

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

***In re: Tepezza Marketing, Sales
Practices, and Products Liability
Litigation***

**This document relates to:
All Actions**

MDL No. 3079

Case No. 1:23-cv-03568

Judge Thomas M. Durkin

**UNOPPOSED MOTION TO APPOINT PLAINTIFFS' CO-LEAD COUNSEL,
EXECUTIVE COMMITTEE, AND LIAISON COUNSEL**

I. Introduction

The Plaintiff firms involved in this MDL unanimously propose the leadership slate detailed below. This motion is unopposed by Defendant. This proposed slate brings together attorneys with varied backgrounds from across the county, who collectively possess extensive relevant litigation experience and the resources to fund this litigation. These attorneys and their firms have successfully litigated some of the largest and most complex actions in the nation.

The Duke Guidelines (Best Practice 3C) advise that the Court should not only “ensure that the lawyers appointed to leadership positions are capable and experienced,” but also “that they will responsibly and fairly represent all plaintiffs, keeping in mind the benefits of diversity of experience, skills, and backgrounds. Similarly, the Manual for Complex Litigation (Fourth) encourages early collaboration amongst counsel, starting: “the [appointment] order should also take into account the proposal of counsel and encourage continuing collaboration amongst counsel and the parties in the cases pending in different courts.” *Id.* at § 22.6 (2004). This is

particularly true in product-liability cases that often involve numerous counsel and plaintiffs. *Id.*

The primary rationale for this approach is three-fold: it (1) allows for the efficient preliminary management of the case; (2) facilitates an avenue for Plaintiffs' counsel to communicate with defense counsel before entry of any preliminary orders; and (3) affords Plaintiffs' counsel an opportunity to informally coordinate amongst themselves. *Id.* In short, appointing the proposed slate is consistent with this guidance. And the slate's members have already shown their commitment to leading this litigation effectively and efficiently. Ultimately, the proposed slate is best suited to provide the cooperative, capable leadership that is indispensable to litigating this MDL and ensuring the efficiencies contemplated by 28 U.S.C. § 1407 and Fed. R. Civ. P. 1.

II. Proposed Structure and Leadership

The Manual for Complex Litigation anticipates a leadership structure that includes lead counsel, liaison counsel, and committees of counsel. MANUAL FOR COMPLEX LITIGATION, § 10.221. The proposed slate includes attorneys from three firms to act as co-leads, an attorney resident in Chicago to serve as liaison counsel, and an executive committee to advise and consult with co-lead counsel and perform work consistent with their respective talents and experience, as directed and approved by the co-leads.

Consistent with the Duke Guidelines, the proposed slate is small enough to prosecute this case effectively, but large enough to devote the necessary time and resources to swiftly litigate and fund the case to a successful conclusion. As evidenced

by the attached declarations and résumés, the proposed slate includes attorneys with proven management and leadership capabilities, excellent and diverse legal skills, and—importantly—thorough knowledge of the subject matter and issues critical to the case. The proposed slate is comprised of attorneys who have a track record of working well together (important to a cohesive, effective team) and demonstrated expertise in prosecuting claims arising under the product-liability laws of the 50 States in complex MDL proceedings. They also have significant experience in developing damages models and taking complex cases to trial. The proposed slate has the case-management and leadership skills to ensure this MDL is prosecuted in a timely and efficient manner.

III. Qualification and Experience of the Slate

As set forth in the attached declarations and résumés in Exhibit A, the proposed slate’s members possess an array of talents and skills required to effectively litigate these actions. These include years of experience in various mass-tort MDLs. Each member is well-qualified to serve in the roles proposed. The undersigned thus propose the following leadership slate:

Co-Lead Counsel

Timothy J. Becker
Ashlie Case Sletvold
Trent B. Miracle

Liaison Counsel

Molly Condon Wells

Executive Committee

Mark Abramowitz	C. Andrew Childers
Panagiotis V. Albanis	Tracy Finken
Alyson Steele Beridon	Yvonne M. Flaherty
Brandon L. Bogle	E. Samuel Geisler

IV. Argument

The Manual for Complex Litigation details a variety of factors the Court should consider in appointing counsel. These factors include counsel’s qualifications and

organization; whether counsel fairly represent the various interests in the litigation; the attorneys' resources, commitment, and qualifications to accomplish the assigned tasks; and the attorneys' ability to command the respect of their colleagues and work cooperatively with opposing counsel and the court. *Id.* at § 10.224.

The proposed slate's attorneys individually and collectively satisfy each of these factors and are well-qualified to lead this case. The success of these attorneys and their firms in leading these types of cases is attributable to their experience and qualifications, their ability to manage large-scale litigation of this nature, and their willingness and ability to devote the necessary resources to advocate effectively for the injured Plaintiffs.

A. The firms comprising the proposed slate have performed substantial work identifying and investigating claims and potential claims.

In considering a motion for appointment of leadership counsel, a court should consider the work undertaken by that counsel in the case. *See, e.g., Smith v. State Farm Mut. Auto. Ins. Co.*, 301 F.R.D. 284, 289–90 (N.D. Ill. 2014) (St. Eve, J.). Here, the proposed slate has already invested substantial time and resources in this litigation. Among other things, the slate has researched and identified the claims at issue; filed all the cases represented in this MDL; opposed a motion to dismiss, arranged multiple informational and working group meetings; spoken with potential claimants; and worked closely with experts in the early development of theories of liability and causation.

The slate has initiated a census to identify the cases that have been and will be filed. Since the JPML order creating this MDL, the slate has also worked with

defense counsel to negotiate agreed-upon orders to govern the litigation as to confidentiality, privilege, and ESI/document preservation. In short, the slate has already been proceeding with significant efforts to advance the progress of these cases.

B. The slate will commit the necessary resources to effectively advance this MDL.

The proposed slate indisputably possesses the resources required to adequately represent Plaintiffs in these cases and to foster this litigation to a successful conclusion. Each of the firms has significant financial resources and human capital and has pledged legal and support personnel to aggressively and ably litigate these cases. The slate members are ready, willing, and able to contribute the funds needed to cover the costs of this litigation for common-benefit expenses.

C. The firms comprising the slate have substantial experience in successfully litigating these types of actions.

As detailed above, the attorneys and firms represented in this proposed slate have substantial experience representing litigants in product-liability actions. These attorneys possess knowledge of the applicable law and have a proven history of working effectively with opponents to advance complex mass-tort litigation effectively.

D. The proposed slate has worked cooperatively for nearly a year to litigate these cases.

Finally, the attorneys in these cases have demonstrated the critical ability to work well together. For nearly a year, these attorneys have worked collectively and cooperatively to advance this litigation. For example, in December 2022, many of the firms on the proposed slate moved to consolidate the then filed cases in the Northern

District of Illinois under Local Rule 42 and/or coordinate the actions under Inter-Operative Procedure 13(e) (an interoperative rule within this District that includes many of the same characteristics as an MDL).

As new cases were filed throughout the country, counsel in the cases in this district—including the proposed Co-Leads, reached out to new counsel to include them in working group. Throughout this entire time-period, the working group—which encompasses every member of the proposed slate—conducted routine meetings to advance the litigation, work with defense counsel, and prepare an opposition to a motion to dismiss. The ability to work cooperatively and efficiently is one of the most critical aspects to appointing leadership given effective leadership mandates that counsel be able to reach consensus on all aspects of prosecuting the case. The proposed slate's track record of cooperatively working together throughout the past nine months evidences that this litigation will be conducted in an efficient and collaborative manner.

V. Conclusion

The proposed slate is comprised of all firms representing Plaintiffs in the Tepezza cases consolidated for pretrial proceedings before this Court. The attorneys possess the ability, financial resources, knowledge, and temperament to effectively litigate these claims. The undersigned respectfully request the Court adopt the proposed slate.

Dated: June 12, 2023

Respectfully submitted,

/s/ Timothy J. Becker

Timothy J. Becker
JOHNSON // BECKER, PLLC
444 Cedar Street, Suite 1800
St. Paul, Minnesota 55101
(612) 436-1800
tbecker@johnsonbecker.com

Proposed Co-Lead Counsel

/s/ Ashlie Case Sletvold

Ashlie Case Sletvold
PEIFFER WOLF CARR KANE
CONWAY & WISE, LLP
6370 SOM Center Road, Suite 108
Cleveland, Ohio 44139
(216) 589-9280
asletvold@peifferwolf.com

Proposed Co-Lead Counsel

/s/ Trent B. Miracle

Trent B. Miracle
SIMMONS HANLY CONROY
One Court Street
Alton, Illinois 62002
(608) 693-3104
tmiracle@simmonsfirm.com

Proposed Co-Lead Counsel

/s/ Molly Condon Wells

Molly Condon Wells
WALLACE MILLER
150 North Wacker Drive, Suite 1100
Chicago, Illinois 60606
(312) 261-6193
mcw@wallacemiller.com

Proposed Liaison Counsel

/s/ Mark Abramowitz

Mark Abramowitz
DICELLO LEVITT, LLC
7556 Mentor Avenue
Mentor, Ohio 44060
(833) 400-0928
mabramowitz@dicellolevitt.com

Proposed Executive Committee

/s/ Pangiotis V. Albanis

Pangiotis V. Albanis
MORGAN & MORGAN
12800 University Drive, Suite 699
Fort Myers, Florida
(239) 433-6800
palbanis@forthepeople.com

Proposed Executive Committee

/s/ Alyson Steele Beridon

Alyson Steele Beridon
HERZFELD, SUETHOLZ, GASTEL,
LENISKI, AND WALL, PLLC
425 Walnut Street, Suite 2315
Cincinnati, Ohio 45202
(513) 381-2224
alyson@hsglawgroup.com

Proposed Executive Committee

/s/ Brandon L. Bogle

Brandon L. Bogle
LEVIN, PAPANTONIO, RAFFERTY,
PROCTOR, BUCHANAN, O'BRIEN,
BARR & MOUGEY, P.A.
316 South Baylen Street, Suite 600
Pensacola, Florida 32502
(850) 435-7043
bbogle@levinlaw.com

Proposed Executive Committee

/s/ C. Andrew Childers

C. Andrew Childers
CHILDERS, SCHLUETER & SMITH, LLC
1932 North Druid Hills Road, #100
Atlanta, Georgia 30319
(404) 419-9500
achilders@cssfirm.com

Proposed Executive Committee

/s/ Yvonne M. Flaherty

Yvonne M. Flaherty
LOCKRIDGE GRINDAL NAUEN, P.L.L.P.
100 Washington Avenue South
Suite 2200
Minneapolis, Minnesota 55401
(612) 339-6900
yflaherty@locklaw.com

Proposed Executive Committee

/s/ Tracy A. Finken

Tracy A. Finken
ANAPOLWEISS
One Logan Square
130 North 18th Street, Suite 1600
Philadelphia, Pennsylvania 19103
(215) 735-1130
tfinken@anapolweiss.com

Proposed Executive Committee

/s/ E. Samuel Geisler

E. Samuel Geisler
AYLSTOCK, WITKIN, KREIS &
OVERHOLTZ PLLC
17 East Main Street, Suite 200
Pensacola, Florida 32502
(850) 202-1010
sgeisler@awkolaw.com.com

Proposed Executive Committee

Exhibit A

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

***In re: Tepezza Marketing, Sales
Practices, and Products Liability
Litigation***

**This document relates to: All
Actions**

MDL No. 3079

Case No. 1:23-cv-03568

Judge Thomas M. Durkin

**Declaration of Timothy J. Becker
for Appointment as Co-Lead Counsel**

I respectfully submit this declaration in support of my proposed appointment as Plaintiffs' Co-Lead Counsel. This declaration is submitted with the consent and agreement of other interested counsel comprising the proposed Co-Leads, Plaintiffs' Liaison Counsel, and Plaintiffs' Executive Committee.

1. I am a founding partner of Johnson//Becker, PLLC, a firm duly authorized to practice law in the State of Minnesota, working primarily in the areas of complex products liability law and mass tort litigation. Johnson Becker is a national plaintiffs' products-liability firm representing thousands of persons injured by defective medical devices, pharmaceuticals, and products. Since opening its doors in 2011, courts throughout the nation have repeatedly selected the Firm's Partners and Associates to lead complex mass tort cases.

2. I graduated from the University of Illinois—Chicago in 1992 with B.A. in History. I received my law degree in 1995 from William Mitchell College of Law where I graduated *cum laude*. I was admitted to the Minnesota State Bar in 1995. I am duly authorized to practice law in the State of Minnesota and am in good standing with our Bar. I am also admitted to practice in numerous federal courts including the Northern District of Illinois and Eastern District of Michigan, as well as the United States Court of Appeals for the First, Fourth, Sixth, Eighth, Ninth and Tenth Circuits.

3. I have been appointed to numerous leadership positions as set forth more fully on my *curriculum vitae* (attached hereto as Exhibit A) including, but not limited to:

- a. *MDL 2172: In re: Zimmer NexGen Knee Products Liability Litigation*, (J. Pallmeyer, United States District Court, Northern District of Illinois) (Co-Lead Counsel);
- b. *MDL 2331: In re: Propecia (Finasteride) Products Liability Litigation*, (J. Cogan, United States District Court, Eastern District of New York) (Plaintiffs' Executive Committee);

- c. *MDL 2545: In re: Testosterone Replacement Therapy Products Liability Litigation*, Civ. File No.: 14-C-1748 (J. Kennelly, United States District Court, Northern District of Illinois) (Plaintiffs' Executive Committee);
- d. *MDL 3026 In re: Abbott Pharmaceuticals et al., Preterm Infant Formula Products Liability Litigation*, (J. Pallmeyer, United States District Court, Northern District of Illinois) (Co-Lead Counsel); and
- e. *MDL 3060 In re: Hair Relaxer Marketing Sales Practice and Products Liability Litigation*, (J. Rowland, United States District Court, Northern District of Illinois) (Plaintiffs' Executive Committee).

4. In addition to my experience in leading multi-district mass tort litigation, I also possess a variety of practical skills required to effectively litigate mass tort cases. For example, in *In re: Incretin-Based Therapies Products Liability Litigation*, MDL 2452 (J. Battaglia, S.D. Cal.), I was tasked with preparing Plaintiffs' experts, confronting Defendants' experts, and drafting the *Daubert* briefs. In *In re: Zicam Cold Remedy Marketing Sales Practice Litigation*, MDL 2096 (D. Ariz., 2011), I led the science team that successfully fended off a vigorous *Daubert* challenge. *Id.*, 2011 WL 798898 (D. Ariz. 2011). Additionally, I also I served as lead trial counsel in *In re: Zimmer* MDL pending before the Honorable Rebecca Pallmeyer, as lead trial counsel in a four-week complex products-liability claim in the Northern District of Ohio representing a welder who suffered permanent brain damages as a result of exposure to welding fumes (*In re Welding Rods Products Liability Litigation*, MDL 1535 (lead trial counsel in *Mann v. Lincoln Elec.*)), and as Class Trial Counsel in the *In re: Farmers Insurance Exchange Wage and Hour Litigation*—a class action seeking to recover unpaid overtime on behalf of personal-injury claims administrators. While working in various MDL Leaderships, I supervised all aspects of the MDL process including leading numerous deposition teams, science teams, and settlement counsel. Finally, and as noted above, I am admitted to practice before numerous United States Courts of Appeals where I acted as the primary author and proponent of several appellate briefs.

5. If tasked by the Court to serve as Co-Lead Counsel in this Multi-District Litigation, my firm will remain committed to seeing the litigation through from beginning to end. Specifically, Johnson//Becker has been involved in numerous MDL Leadership positions and always remained committed to the case irrespective of the outcome. We will remain committed to this case too.

6. My Firm is committed to working cooperatively with all proposed members of this leadership team. Specifically, nearly a year ago, my Firm led the process of forming a group to collectively litigate these cases—most of whom are seeking a leadership position before this Court. Throughout the past year we convened periodic meetings to assess the state of the science, general liability in the litigation, and strategy to advance the litigation. During that time, the group, which was largely

comprised of the people seeking leadership in this MDL, worked collectively and cooperatively to advance the litigation.

7. To date my Firm has filed more than a dozen cases in this MDL. Currently my Firm represents more than sixty persons who allege they were injured by their exposure to Tepezza.

Based on the foregoing, I respectfully seek this Court's appointment to the role of Co-Lead Counsel. If selected, I will dedicate my time and resources, as well as those of my firm, to working cooperatively with all counsel and the Court to advance the fair and just resolution of the cases consolidated in this MDL.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on June 7, 2023.

/s/ Timothy J. Becker

Timothy J. Becker

CURRICULM VITAE TIMOTHY J. BECKER

For more than two decades, Tim Becker has protected the rights of clients injured by defective drugs, medical devices, and products. As a founding partner at Johnson Becker, PLLC, Mr. Becker plays a pivotal role in the firm's commitment to successfully representing clients by dedicating his practice to representing the rights of those injured by dangerous and defective drugs or medical devices. He is actively involved in prosecuting claims on behalf of his clients who suffered injuries ranging from defective knee and hip implants to catastrophic organ failure stemming from pharmaceuticals.

During the course of his career, Mr. Becker has developed an extensive background as a trial lawyer willing to vigorously prosecute claims on his clients' behalf including serving as lead counsel in the *In re: Zimmer* MDL in the Northern District of Illinois, in a four-week complex products-liability claim in the Northern District of Ohio representing a welder who suffered permanent brain damages as a result of exposure to welding fumes. *In re Welding Rods Products Liability Litigation*, MDL 1535 (Lead Trial Counsel in *Mann v. Lincoln Elec.*), and as Class Trial Counsel in the *In re: Farmers Insurance Exchange Wage and Hour Litigation*—a class action seeking to recover unpaid overtime on behalf of personal injury claims administrators. Mr. Becker's work is not limited to his court room trial experience. He has led numerous the science teams fending off a vigorous *Daubert* challenges. Additionally, he is admitted to practice before the First, Fourth, Sixth, Eighth, Ninth, and Tenth Circuits of the United States Court of Appeals where he has acted as the primary author of several appellate briefs. This combination of court room trial experience and appellate advocacy provides unique perspective in effectively representing his clients' interests.

NATIONAL LEADERSHIP POSITIONS & CASE RESUME

- *MDL 1285: In re Vitamins Antitrust Litigation*, United States District Court, District of Columbia (Kansas, Minnesota and Illinois Hog Farmer Class);
- *MDL 1535: In re: Welding Rods Products Liability Litigation*, United States District Court, Northern District of Ohio (Lead Trial Counsel *Mann v. Lincoln Electric, et al.*);
- *In re Ditropan XL Litigation*, United States District Court, Northern District of California (Lead Counsel);
- *In re: American Express Financial Advisors Securities Litigation*, United States District Court, South District of New York (Lead Trial Counsel *Haritos v. American Express Financial Advisors*);

- *In re: Farmers Insurance Exchange Wage and Hour Litigation*, Hennepin County District Court, State of Minnesota (Lead Trial Counsel *Milner, et al. v. Farmers Insurance Exchange*);
- *MDL 2096: In re: Zicam Cold Remedy Marketing Sales Practice Litigation*, United States District Court, District of Arizona (lead science committee successfully opposing *Daubert* challenge);
- *MDL 2172: In re: Zimmer NexGen Knee Products Liability Litigation*, (J. Pallmeyer, N.D. Ill.), United States District Court, Northern District of Illinois (Co-Lead Counsel);
- *MDL 2197: In re: DePuy Orthopedics, Inc., ASR Hip Implant Products Liability Litigation*, United States District Court, Northern District of Ohio (Law and Briefing committee);
- *MDL 2331: In re: Propecia (Finasteride) Products Liability Litigation*, United States District Court, Eastern District of New York (J. Cogan, E.D.N.Y.), (Plaintiffs' Executive Committee);
- *MDL 2545: In re: Testosterone Replacement Therapy Products Liability Litigation*, Civ. File No.: 14-C-1748 (J. Kennelly, N.D. Ill.), United States District Court, Northern District of Illinois (Plaintiffs' Executive Committee);
- *In re: AMS Transvaginal Mesh State Court Litigation*, 27-CV-11-3933, pending before the Honorable Ronald Abrams (Hennepin County, Minnesota) (Co-Lead Counsel);
- *MDL 2452: In re: Incretin-Based Therapies Products Liability Litigation*, United States District Court for the Southern District of California (Science Committee and Law and Briefing, Chief Appellate Counsel);
- *MDL 2458: In re: Effexor (Venlafaxine Hydrochloride) Products Liability Litigation*, United States District Court, Eastern District of Pennsylvania (Plaintiffs' Steering Committee)
- *In re: Uloric Products Liability Litigation*, 20-CV-00623, (J. Kennelly, N.D. Ill.), United States District Court for the Northern District of Illinois (Co-Counsel to Lead Counsel)
- *Williams et al. v. Sykes Enterprises, Inc., et al.*, (J. Thunheim, D. Minn.), United States District Court, District of Minnesota (Co-Lead Class Counsel/FLSA Class of 30,000 workers);
- *Flores et. al v. Velocity Express, LLC*, (J. Tigar, N.D. Cal), United States District Court, Northern District of California (Co-Lead Class Counsel/FLSA Class of over 3,000 workers).

- *MDL 3026 In re: Abbott Pharmaceuticals et al, Preterm Infant Formula Products Liability Litigation*, (J. Pallmeyer, N.D. Il., United States District Court, Northern District of Illinois (Co-Lead Counsel).
- *MDL 3060 In re: Hair Relaxer Marketing Sales Practice and Products Liability Litigation*, (J. Rowland, United States District Court, Northern District of Illinois (Plaintiffs' Executive Committee).

AREAS OF PRACTICE

Exclusively representing Plaintiffs in the following types of cases:

- Pharmaceutical and Medical Device Litigation
- Wage and Hour Litigation

HONORS AND AWARDS

- Minnesota Super Lawyers 2004, 2011–2023
- Minnesota Rising Star 2003

PRESENTATIONS AND/OR PUBLICATIONS

A brief overview of noted publications and presentations:

- *Anatomy of a Personal Injury Lawsuit: Fourth Edition*, Trial Guides, 2015
- *Is the Doctor In? Reasonableness and the Neal Decision*, Hennepin County Lawyer, 1998
- January, 2011: *Orthopedic Litigation Conference – DePuy and Zimmer Implant Updates*, HB Litigation CLE Presentation
- March, 2011: *Darvon and Hip Implant Litigation Conference: New Developments in These Emerging Mass Torts: The Science of Darvon and Darvocet*, Harris Martin CLE Presentation
- July, 2011: *Zimmer NexGen Knee and DePuy Hip Implant Litigation – Faculty Chair*, Harris Martin CLE Presentation

PROFESSIONAL MEMBERSHIPS

- American Association for Justice
- Minnesota Association for Justice
- Hennepin County Bar Association

BAR ADMISSIONS

- Minnesota, 1995
- U.S. District Court of Minnesota, 1997

- U.S. District Court of Illinois, Northern District, 2008
- U.S. District Court of Michigan, Eastern District, 2008
- U.S. Court of Appeals 1st Circuit, 2007
- U.S. Court of Appeals 4th Circuit, 2010
- U.S. Court of Appeals 6th Circuit, 2010
- U.S. Court of Appeals 8th Circuit, 2001
- U.S. Court of Appeals 9th Circuit, 2001
- U.S. Court of Appeals 10th Circuit, 2009

EDUCATION

- WILLIAM MITCHELL COLLEGE OF LAW, *cum laude*, *St. Paul, Minnesota*
- UNIVERSITY OF ILLINOIS, *Chicago, Illinois* (B.A. History)

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

***In re: Tepezza Marketing, Sales
Practices, and Products Liability
Litigation***

**This document relates to: All
Actions**

MDL No. 3079

Case No. 1:23-cv-03568

Judge Thomas M. Durkin

**Declaration of Ashlie Case Sletvold
for Appointment as Plaintiffs' Co-Lead Counsel**

I respectfully submit this declaration in support of my proposed appointment as Plaintiffs' Co-Lead Counsel. This declaration is submitted with the consent and agreement of other interested counsel comprising the proposed Co-Leads, Plaintiffs' Liaison Counsel, and Plaintiffs' Executive Committee.

1. I am the partner in charge of the Cleveland and Youngstown, Ohio offices of Peiffer Wolf Carr Kane Conway & Wise, LLP, a nationwide firm founded to provide first-class representation to clients who have suffered losses or injuries at the hands of others.

2. I graduated *summa cum laude* from the University of Akron in 2002. I received my law degree in 2005 from the Yale Law School. I was admitted to the Ohio bar in 2005, the Florida bar in 2009, and the Colorado bar in 2010. I remain a member in good standing in each. I am also admitted to practice in a number of federal district courts, including the Northern District of Illinois. I am a member of this jurisdiction's trial bar.

3. Last year, I was appointed to the Plaintiffs' Executive Committee in the *In re: Abbott Laboratories Preterm Infant Nutrition Products Liability Litigation*, MDL No. 3026 (N.D. Ill.). I have been actively involved in the litigation, chairing the Law & Briefing Committee and working actively on discovery and bellwether development.

4. Earlier this year, I was appointed to the Plaintiffs' Steering Committee in the *In re: Hair Relaxer Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 3060 (N.D. Ill.) and as Plaintiffs' Co-Liaison Counsel in the *In re: East Palestine Train Derailment* consolidated class-action litigation, No. 4:23-cv-00242 (N.D. Ohio).

5. My litigation experience on behalf of plaintiffs covers product-liability cases, civil-rights actions, employment matters, fertility-misconduct disputes, and personal-injury cases.

- a. In 2021, I was lead counsel for a McDonald's franchisee in a 42 U.S.C. § 1981 race-discrimination case that resolved for \$33.5 million.
 - b. I am and have been lead counsel for pretrial detainees challenging the use-of-force practices of the Cuyahoga County jail in Cleveland, Ohio.
 - c. I represent the families and estates of incarcerated people who died from lack of adequate medical care as well as individuals subjected to substandard healthcare while in custody.
 - d. I was part of the team that represented the mother of Tamir Rice after Cleveland police murdered him. I have represented numerous other victims of excessive force by law enforcement.
 - e. I have served as counsel for many victims of sexual assault to hold their assailants, employers, and schools accountable.
 - f. I represented a homeless-rights organization in voting-rights litigation to ensure fairness and uniformity in applying provisional-ballot policies across all 88 Ohio counties.
 - g. I have worked to redress First Amendment retaliation against public employees, including police officers and firefighters.
 - h. I have represented victims of employment discrimination based on race, disability, gender, sexual orientation, and religion.
 - i. I successfully secured extensive policy changes at a major hospital in Cleveland to ensure access to American Sign Language interpretation services for the Deaf community consistent with ADA requirements.
 - j. I have devoted time to assisting those in the transgender community, so their government and employment records include the correct gender marker.
 - k. I have represented victims of fertility misconduct, including families whose doctors used their own genetic material to impregnate their female patients as well as those otherwise harmed by clinic negligence. I represented individuals and families devastated by the mass destruction of eggs and embryos in the 2018 University Hospitals cryotank disaster.
6. During my five years in the product-liability group at Jones Day, I became well-acquainted with the demands of high-stakes mass litigation. I worked on cases pre-suit through post-trial appeals in state, federal, and tribal courts. I represented R.J. Reynolds Tobacco Company in countless *Engle*-progeny cases in Florida state courts. The *Engle*-progeny litigation was a class action decertified post-trial. Thousands of individual actions were filed and had to be tried at a blistering clip. Those unique circumstances allowed me to gain experience uncommon for young associates at large firms. I deposed fact and expert witnesses, drafted and argued jury instructions and motions *in limine*, briefed myriad issues, managed offensive

and defensive discovery, prepared experts and corporate representatives, managed trial sites, and served as trial counsel in multi-week cases around the state. I also served as defense counsel in vaginal-mesh and breast-implant cases. And I worked on a number of *pro bono* matters that led to the exonerations of wrongfully convicted individuals including Joe D'Ambrosio, Thomas Siller, Laurese Glover, and Derek Wheat.

7. In addition to my trial work, I have experience at the appellate level. I am admitted to practice before the Fourth, Sixth, and Ninth Circuits and have served as the principal author of multiple appellate briefs. Throughout my career, I have consistently been responsible for leading research and writing efforts. My commitment to clarity, accuracy, and polish makes my writing persuasive and effective. In my civil-rights work, I successfully navigate the thickets of qualified immunity and *Monell* liability, demonstrating my skills in briefing (and winning) complex issues of law and fact in hotly disputed and politically charged cases.

8. My combination of plaintiff and defense experience across a wide variety of matters gives me the necessary skills to effectively serve as co-lead counsel in this action. I am familiar with the demands of complex litigation and stand ready to devote my skills to representing those harmed by Tepezza.

9. I am willing and available to commit myself and my team to the rigors of this time-consuming project. I have filed six cases thus far in this litigation: *Gloria Pledger v. Horizon Therapeutics USA, Inc.*, No. 1:22-cv-06562 (N.D. Ill.); *Norma Perez Diaz v. Horizon Therapeutics USA, Inc.*, No. 1:23-cv-00896 (N.D. Ill.); *Geri Kanesta-Rychner v. Horizon Therapeutics USA, Inc.*, No. 3:23-cv-05221 (W.D. Wash.); *Deborah Welch Klostermann v. Horizon Therapeutics USA, Inc.*, No. 1:23-cv-02160 (N.D. Ill.); *Marsha Jaffe v. Horizon Therapeutics USA, Inc.*, No. 1:23-cv-02940 (N.D. Ill.); and *Susan Guevara v. Horizon Therapeutics USA, Inc.*, No. 1:23-cv-03113 (N.D. Ill.). I filed a response before the JPML in support of consolidation and transfer to the Northern District of Illinois and argued at the JPML hearing on behalf of the other proponents of this jurisdiction. My team and I have devoted time to the collective efforts to advance this case. My firm represents many affected users and is committed to advancing this litigation from beginning to end for our individual clients and for the benefit of all plaintiffs. We have the personnel to timely perform the work required.

10. I have good relationships with my colleagues and have worked cooperatively with the other leadership applicants to form a proposed leadership slate. I have the utmost respect for the slate's members and have worked closely with this team in seeking intra-district coordination and subsequently supporting creation of this MDL. I have appeared in a variety of conference settings to inform other plaintiffs' lawyers about the Tepezza actions and welcomed new members to our working group. I have worked cooperatively with defense counsel in my individual Tepezza actions as well as on behalf of the slate in discussion of initial case-management matters in the MDL. I pride myself on collegiality with my plaintiff and defense colleagues and

work hard to create and maintain relationships. As the president of the William K. Thomas American Inn of Court—a bench-bar organization devoted to upholding the rule of law and advancing excellence in professionalism, ethics, and civility in the practice—I led a distinguished group of state and federal trial and appellate judges and lawyers from diverse practice perspectives. Through that role, I created the Ginsburg-Scalia Project, an initiative to nurture the bonds of professionalism through social outreach to former opponents. As lawyers, we deal with the broken parts of people’s lives; we must not make the process more difficult by abiding antagonism amongst counsel. I believe that when we work cooperatively together as lawyers, we fulfill our professional obligations to our clients and demonstrate the respect that our judicial system deserves. Should the Court appoint me to the leadership of this MDL, I will perform my role consistent with those values and standards.

11. I am willing and able to commit the necessary resources to pursue this matter. My firm has been active in mass-tort and class-action litigation since its founding in 2013, including in leadership roles in a variety of matters. We are familiar with the financial commitments required of leadership. We have the financial wherewithal and human capital to lead this MDL from inception to conclusion. We successfully handle complex litigation around the country in groundbreaking and rapidly developing areas of law with far-reaching impact. My firm and I have the depth and breadth of experience to contribute meaningfully to protecting and advancing the claims of the people harmed by Tepezza.

12. I respectfully seek this Court’s appointment as Plaintiffs’ Co-Lead Counsel in this MDL. If selected, I will dedicate my time and resources, as well as those of my firm, to working cooperatively with all counsel and the Court to advance the fair and just resolution of the cases consolidated in this MDL.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on June 8, 2023.

/s/ Ashlie Case Sletvold

Ashlie Case Sletvold

Ashlie Case Sletvold

Peiffer Wolf Carr Kane Conway & Wise, LLP

Cleveland Office
6370 SOM Center Road, Suite 108
Cleveland, Ohio 44139

Youngstown Office
101 West Federal Street, Suite 2
Youngstown, Ohio 44503

Legal Experience

Practice centers on representing plaintiffs in complex and high-profile disputes including products liability and civil rights

Peiffer Wolf Carr Kane Conway & Wise, LLP, Cleveland and Youngstown, Ohio
Ohio partner in charge, civil-rights practice co-chair 2020–present
Chandra Law Firm LLC, Cleveland, Ohio, administrative partner 2010–2020
Jones Day, Cleveland, Ohio, associate, product liability and tort litigation 2005–2010

Education

Yale Law School, J.D. (2005)
University of Akron, B.A., philosophy, *summa cum laude* (2002)

Professional Activities & Awards

The William K. Thomas American Inn of Court, Counselor (President 2020–22)
Marvin L. Karp Professionalism Award (Outstanding Benchler, 2023)
American Association for Justice
Ohio Association for Justice (former Trustee)
Cleveland Academy of Trial Attorneys (Board Member)
Society of Women Trial Lawyers
The Court of Nisi Prius
Magistrate Judge Merit Selection Panel (N.D. Ohio 2021) (appointed by Judge Dan Polster)
Selection Committee, Cleveland Metropolitan Bar Association Professionalism Award

Admissions

Ohio, Florida, and Colorado
Supreme Court of the United States
United States Courts of Appeals for the Fourth, Sixth, and Ninth Circuits
United States District Courts for the Northern District of Ohio, Southern District of Ohio, Northern District of Illinois, District of Colorado, District of Maryland, Middle District of Florida, and Southern District of Florida

Appointments

In re: Abbott Preterm Infant Formula Prods. Liab. Litig., MDL No. 3026 (N.D. Ill.), Plaintiffs' Executive Committee
In re: Hair Relaxer Sales Practices, Marketing, and Prods. Liab. Litig., MDL No. 3060 (N.D. Ill.) Plaintiffs' Steering Committee
In re: East Palestine Train Derailment, 4:23-cv-00242-BYP (N.D. Ohio), Plaintiffs' Co-Liaison Counsel

Speaking Engagements

- CLE Program: Mass Tort Update (Tepezza), Harris Martin MDL Conference (May 24, 2023)
- CLE Program: Radical Authenticity: Nurturing Connections in Practice, Salmon P. Chase American Inn of Court (May 18, 2023)
- CLE Program: Tepezza Litigation Status, MTMP (Apr. 13, 2023)
- CLE Program: What to Know About NEC Cases, American Association for Justice, Birth Trauma Litigation Group (Feb. 5, 2023)
- CLE Program: Tepezza Litigation Webinar, MTMP Connect (Dec. 8, 2022)
- CLE Program: A Woman's Right to Choose: Healthcare is a Civil Right, AAJ Education National College of Advocacy, Civil Rights Litigation Seminar, Thurgood Marshall School of Law (Oct. 21, 2022)
- United States Department of State International Visitor Leadership Program: Human and Civil Rights Advocacy and Awareness, A Regional Project for the Near East and North Africa (Sept. 29, 2022)
- OAJ Women's Caucus Roundtable, featured speaker (Sept. 29, 2022)
- CLE Program: Training the Next Generation of Legal Professionals, panel discussion moderated by Judge Jennifer Elrod, American Inns of Court (July 23, 2022)
- CLE Program: Understanding Necrotizing Enterocolitis and its Consequences, American Association for Justice (July 19, 2022)
- CLE Program: § 1981: The Underutilized Tool of Civil-Rights Litigation, American Association for Justice (July 18, 2022)
- CLE Program: Professionalism in Action: A Conversation with Judge J. Philip Calabrese, Ohio Association for Justice (May 6, 2022)
- CLE Program: Title VII and Vaccine Mandates, Ohio Association for Justice (Nov. 4, 2021)
- Maltz Museum of Jewish Heritage, Virtual Gallery Tour on the friendship between Justices Ginsburg and Scalia, Exhibit: *Notorious RBG: The Life and Times of Ruth Bader Ginsburg* (Apr. 6, 2021)
- The Sound of Ideas, WCPN, Bill of Rights Day (Dec. 10, 2020)
- CLE Program: Ohio's Sexual Assault Kit Testing Initiative, moderator of panel featuring Rachel Dissell, Greta Johnson, and Dr. Rachel Lovell; William K. Thomas American Inn of Court (Dec. 9, 2020)
- The Sound of Ideas, WCPN, Constitution Day (Sept. 17, 2020)
- CLE Program: Making the Pivot in Your Practice, Cleveland Metropolitan Bar Association panel discussion co-sponsored by the Criminal Law section and the Young Lawyers section (Dec. 10, 2019)
- CLE Program: Sunshine Ethics: Integrity in Policy & Procedure, Medina County Leadership Academy (Feb. 8, 2018)
- CLE Program: Strengthening Your Case with Public Records, Ohio Association for Justice (May 4, 2017)
- CLE Program: Strengthening Your Case with Public Records, Cleveland Employment Lawyers Association (Aug. 2016)

CLE Program: Ohio Sunshine Laws (Public Records and Open Meetings), Medina County Bar Association (Mar. 20, 2015)

CLE Program: Civil Rights as it Relates to Voting Rights, William K. Thomas Inn of Court (Jan. 14, 2015)

Guest Lecturer, Public Records Law, Kent State University, Aviation Law Class (2014–15)

Publications

Nurturing Connection in Crisis, THE BENCHER, THE MAGAZINE OF THE AMERICAN INNS OF COURT (July/August 2020)

Tort Reform Often Lies in the Hands of State Supreme Courts, JONES DAY PRACTICE PERSPECTIVES: PRODUCT LIABILITY & TORT LITIGATION (2008)

Case Comment: *Conflicting Feminisms and the Rights of Women Inmates*, 17 YALE J. OF LAW & FEMINISM 309 (2005)

Comparables for judgments and settlements of male-guard-on-female-inmate sexual-assault cases, PRISON LEGAL NEWS (Feb. 2, 2005)

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

***In re: Tepezza Marketing, Sales
Practices, and Products Liability
Litigation***

**This document relates to: All
Actions**

MDL No. 3079

Case No. 1:23-cv-03568

Judge Thomas M. Durkin

**Declaration of Trent B. Miracle
for Appointment as Plaintiffs' Co-Lead Counsel**

I respectfully submit this declaration in support of my proposed appointment as Plaintiffs' Co-Lead Counsel. This declaration is submitted with the consent and agreement of other interested counsel comprising the proposed Co-Leads, Plaintiffs' Liaison Counsel, and Plaintiffs' Executive Committee.

1. I am a shareholder and chair of the complex litigation department at Simmons Hanly Conroy, LLC, a national law firm with a staff of more than 255, including over 90 attorneys, and substantial experience in pharmaceutical-based litigations.

2. I graduated from DePauw University in Indiana with an B.A. in English Literature in 1991. I received my law degree in 1995 from St. Mary's University School of Law in San Antonio, Texas. I am admitted to the state bars of Texas (1995), Illinois (2003), Missouri (2005), Pennsylvania (2012), and New York (2019). I am also admitted to practice in the U.S District Courts of Central, Northern, and Southern Illinois, U.S. District Court for the Eastern District of Missouri, U.S. District Court of Colorado, U.S. District Court for the Eastern and Western District of Arkansas, U.S. District Court of Eastern District of Wisconsin, and U.S. Court of Appeals for the Fifth Circuit.

3. I have been appointed to leadership positions in the following Multi-District Litigations: Co-Lead, Plaintiffs' Executive Committee *In re: Testosterone Replacement Therapy Products Liability Litigation* (MDL No. 2545); Plaintiffs' Executive Committee *In re: Propecia (Finasteride) Product Liability Litigation* (MDL No. 2244); Plaintiffs' Steering Committee *In re: DePuy Orthopaedics, Inc., Pinnacle Hip Implant Products Liability Litigation* (MDL 2244); Plaintiffs' Steering Committee *In re: Yasmin and YAZ (Drospirenone) Marketing, Sales Practices and Products Liability Litigation*, (MDL No. 2100); and Plaintiffs' Mediation Committee *In re: Ephedra Products Liability Litigation* (MDL No. 1598).

4. My representative experience includes participation in the following Multi-District and Complex Litigations: Actos, Chantix, Clergy Abuse, DePuy Hip Implants, Ephedra & PPA, Hernia Mesh, Lipitor, Mesothelioma and Asbestos, Mirena, Opioids, Philips CPAP Machines, Propecia, Risperdal, Testosterone Therapy, Topamax, Transvaginal Mesh, Vioxx, Bextra, Yaz, and 3M Combat Arms. Throughout my experience in each of these litigations, I have always attempted to show a certain level of diplomacy and compromise when necessary, striving to work side-by-side with those involved in leadership roles in multiple venues.

5. While I am willing to serve in any capacity the Court deems appropriate, I believe the most appropriate role in this litigation is an appointment as Plaintiffs' Co-Lead Counsel. My breadth of experience serving on various PSC's, PEC's, and as a co-lead will all be used in the service of representing all claimants in the Tepezza MDL. Simmons Hanly Conroy is both willing and able to devote the necessary personnel and substantial financial resources necessary to prosecute this case. My firm has recovered over \$9.9 billion on behalf of its clients since its inception and has done so by fully committing itself to every litigation in which it has chosen to participate.

6. I am one of the first attorneys in the country to file cases against Horizon Therapeutics for injuries associated with the use of Tepezza. I have worked with several other counsel to spearhead plaintiffs' efforts in these cases and have participated in making strategic, tactical, and procedural decisions on behalf of the plaintiffs' counsel and plaintiffs in these cases. In addition, I have spoken at seminars and disseminated materials related to medical literature, liability theories, mechanisms of injury, regulatory histories, and label information, all regarding the safety profile of Tepezza.

7. My first priority will be the zealous, ethical, and competent representation of all of the plaintiffs who have alleged injury as a result of the use of Tepezza. My request to serve as Co-Lead Counsel for this litigation is a result of my dedication and commitment to this case. This litigation will be a focal point of my practice. My firm represents a significant number of individuals who have sustained very real and severe injuries, five of whom are currently on file, and we are committed to the best representation possible on their behalf.

8. I respectfully seek this Court's appointment as Plaintiffs' Co-Lead Counsel in this MDL. If selected, I will dedicate my time and resources, as well as those of my firm, to working cooperatively with all counsel and the Court to advance the fair and just resolution of the cases consolidated in this MDL.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on June 9, 2023.

/s/Trent B. Miracle

Trent B. Miracle, Simmons Hanly Conroy, LLC

Trent B. Miracle



SIMMONS HANLY CONROY
A NATIONAL LAW FIRM

Co-Chair Complex Litigation Department

One Court Street
Alton, Illinois
62002

tmiracle@simmonsfirm.com

618-693-3104



With over 25 years of experience handling a broad array of mass tort cases, Shareholder Trent Miracle co-chairs the firm's Complex Litigation Department, helping thousands of people harmed by dangerous drugs and defective medical devices.

"I've worked with countless people who've been wronged by large companies," Trent said. "You are not alone, but you alone can make the decision to stand up for yourself. Once you do that, we are here to help you with the rest."

Complex Litigation

Under Trent's leadership, the firm's Complex Litigation Department has grown from a single attorney with a handful of staff to a team of over 20 attorneys and nearly 20 staff members. They handle everything from pharmaceutical and medical device cases to class action matters and clergy abuse claims.

In addition to helping to litigate these cases, Trent manages the day-to-day running of the department as well as the strategic and tactical direction of each litigation group.

The Pharmaceutical Litigation Group alone has secured **over \$2 billion in settlements** on behalf of its clients harmed by pharmaceutical drugs like Bextra, TRT, Yaz, Vioxx, Ortho Evra, Ephedra and more, as well as numerous defective medical devices.

"Because of the level of resources the firm dedicates to clients' cases, my team and I are able to take on defendants at both the national and international level," Trent said.

The firm has built a national reputation as a leader in pharmaceutical injury litigation. Federal judges have appointed Trent to serve on plaintiff steering committees for several multidistrict litigations including Yaz, DePuy Hip Replacement, Propecia and more. Significantly, he was appointed as co-lead counsel in the multidistrict litigation involving testosterone replacement therapy.

Fighting for His Clients

Clients often tell Trent they hired the firm not only for its past successes, but also for the personal attention the staff and attorneys provide.

"A day doesn't go by that someone on my team or myself responds to emails from clients, calls a client back or responds to an after-hours call from a client," he said.

Trent's typical client is someone who has suffered an acute injury as a result of a dangerous drug or defective medical device through no fault of his or her own. Every litigation area is unique.

"Each pharmaceutical case is different with a new science you have to learn in each separate litigation," Trent said. "It's a very specialized area of practice that not just anyone can do."

Leveling the Playing Field

Trent became a lawyer because he wanted to help people who have the odds stacked against them — and that's exactly what he does at the firm.

"We're trying to make it less of a David and Goliath situation and more of an even match," Trent explained. "Firms with our resources can level that playing field for our clients and secure meaningful results on their behalf."

By utilizing the firm's resources, talent, infrastructure and financing, Trent is able to hold powerful international companies accountable and help those who would otherwise be denied justice, which is the most gratifying aspect of his work.

His Legal Background

Prior to joining the firm in 2003, Trent earned his bachelor's degree in English from DePauw University in Indiana and graduated with his J.D. from St. Mary's University School of Law in Texas in 1995. He began his career in 1996 as a personal injury attorney practicing aviation law, concentrating on airline and helicopter disasters.

Trent is regularly asked to speak at legal conferences and is the founding chairman of the American Association for Justice's Asbestos Litigation Group. He also serves as chair of the Cambridge Mass Torts Litigation Forum.

Trent has been appointed to leadership positions in the following MDLs:

- **Testosterone Replacement Therapy** – Co-lead, Plaintiffs' Executive Committee
In re: Testosterone Replacement Therapy Products Liability Litigation (MDL No. 2545)
- **Propecia** – Plaintiffs' Executive Committee
In re: Propecia (Finasteride) Product Liability Litigation (MDL 2331)
- **DePuy Pinnacle Hip Replacement** – Plaintiffs' Steering Committee
In re: DePuy Orthopaedics, Inc., Pinnacle Hip Implant Products Liability Litigation (MDL 2244)
- **Yaz/Yasmin** – Plaintiffs' Steering Committee
In re: Yasmin and YAZ (Drospirenone) Marketing, Sales Practices and Products Liability Litigation, MDL Docket No. 2100
- **Ephedra** – Plaintiff's Mediation Committee.
In re: Ephedra Products Liability Litigation (MDL 1598); helped negotiate approximately \$100 million in national settlements in both the Metabolife and TwinLab bankruptcy proceedings.

Multidistrict Litigation Experience

- **Transvaginal Mesh**
In re: Ethicon, Inc., Pelvic Repair System Products Liability Litigation, MDL 2327
In re: C.R. Bard, Inc., Pelvic Repair System Products Liability Litigation, MDL 2187
In re: American Medical Systems, Inc., Pelvic Repair System Products Liability Litigation, MDL 2325
In re: Boston Scientific Corp. Pelvic Repair System Products Liability Litigation, MDL 2326
In re: Coloplast Corp., Pelvic Support Systems Products Liability Litigation, MDL 2387
- **Zoloft**
In re: Zoloft (sertraline hydrochloride) Products Liability Litigation, MDL 2342
- **Pradaxa**
In re: Pradaxa (Dabigatran Etexilate) Products Liability Litigation, MDL2385.
- **Actos**
In re: Actos (Pioglitazone) Products Liability Litigation, MDL 2299.
- **DePuy ASR hip replacements**
In re: ASR Hip Implant Products Liability Litigation, MDL 2197
- **Ortho Evra**
In re: Ortho Evra Products Liability Litigation (MDL 1742)
- **Bextra**
In re: Bextra and Celebrex Products Liability Litigation (MDL 1691)
- **Vioxx**
In re: Vioxx Marketing, Sales Practices and Products Liability Litigation (MDL 1657)
- **PPA**
In re: Phenylpropanolamine (PPA) Products Liability Litigation (MDL 1407)

Practice Areas:

- Asbestos & Mesothelioma
- Pharmaceutical Litigation

Bar and Court Admissions:

- Texas 1995
- Illinois 2003
- Missouri 2005
- Pennsylvania 2012
- New York 2019
- U.S. District Court, Central, Northern, & Southern Districts of Illinois
- U.S. District Court, Eastern District of Missouri, 2004
- U.S. District Court, District of Colorado
- U.S. District Court, Eastern & Western Districts of Arkansas
- U.S. District Court, Eastern District of Wisconsin
- U.S. Court of Appeals 5th Circuit

Representative Experience:

- Actos
- Chantix
- Clergy Abuse
- DePuy Hip Implants
- Ephedra & PPA
- Hernia Mesh
- Lipitor
- Mesothelioma and Asbestos
- Mirena
- Philips CPAP Machines
- Propecia
- Risperdal
- Testosterone Therapy
- Topamax
- Transvaginal Mesh
- Vioxx & Bextra
- Yaz

Affiliations:

- American Association for Justice
- American Bar Association
- Illinois Trial Lawyers Association
- Missouri Association of Trial Attorneys
- Co-Chair, AAJ Testosterone Therapy Litigation Group

Education:

- St. Mary's University School of Law, San Antonio, TX, 1995, J.D.
 - DePauw University, Greencastle, IN, 1991, B.A.; Major: English Literature
-

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

***In re: Tepezza Marketing, Sales
Practices, and Products Liability
Litigation***

**This document relates to: All
Actions**

MDL No. 3079

1:23-cv-03568

Judge Thomas M. Durkin

**Declaration of Molly Condon Wells
for Appointment as Plaintiffs' Liaison Counsel**

I respectfully submit this declaration in support of my proposed appointment as Plaintiffs' Liaison Counsel. This declaration is submitted with the consent and agreement of other interested counsel comprising the proposed co-leads, Plaintiffs' Liaison Counsel, and Plaintiffs' Executive Committee.

1. I am a partner at the firm of Wallace Miller, a nationally recognized plaintiffs' complex litigation law firm based in Chicago that primarily focuses on protecting the rights of victims of negligence and fraud through consumer protection, product liability, employment, environmental and toxic harm, and personal injury litigation.

2. I graduated with a degree in Political Science from the University of Illinois in 2011. I received my law degree in 2015 from Chicago-Kent College of Law, *cum laude*. I was admitted to the Illinois bar in November of 2015. I am also admitted to practice in the United States District Court for the Northern District of Illinois.

3. I was appointed to the Leadership Development Committee by Judge Mary Rowland in the Hair Relaxer Litigation (MDL 3060).¹

4. I am the youngest and first woman partner at the firm of Wallace Miller, formed on November 1, 2021. Prior to that, I worked with the same lawyers at what was then known as Wexler Wallace. I have been selected by SuperLawyers as a 'Rising Star' since 2018 and 'One to Watch' by Best Lawyers. I started my career representing victims of medical malpractice, nursing home abuse and sexual abuse as an associate at a well-respected personal injury plaintiff law firm in Chicago. In my personal injury practice, I was solely responsible for case strategy, pleadings and motions, depositions, and oral arguments on dispositive issues. I was a member of multiple trial teams in complex multi-million-dollar products liability and medical malpractice cases in Illinois state court, representing both plaintiffs and defendants.

¹ See *In Re: Hair Relaxer Marketing, Sales Practices, And Products Liability Litigation*, No. 1:23-cv-00818, ECF No. 62

Since 2019, I have spent much of my time practicing mass tort and complex litigation and representing vulnerable populations who have been injured by medical drugs and devices. Specifically, I have performed work on law and briefing, expert committees, and have helped prepare for bellwether trials in the *In Re Essure Product Cases* (JCCP No. 4887), *In Re Paragard IUD Products Cases* (MDL No. 2974), and *In Re Gilead Tenofovir Litigation* (JCCP No. 5043). In the Opioids litigation, I defended depositions of Chicago Police Department and Chicago Fire Department officers and employees on behalf of the City of Chicago. I am currently litigating a class action in the Northern District of Illinois against a health insurer for discriminating against LGBTQ individuals by failing to provide equal coverage of fertility treatments. I also serve on the Leadership Development Committee in the Hair Relaxer Litigation.

5. I am eager and able to commit to this litigation. I do not hold a position as Liaison Counsel in any other litigation. In addition to having available time, I have the requisite “willingness.” The Manual for Complex Litigation serves as a guide to being a strong liaison, and others at my firm who have served in this role have taught me that a strong liaison not only answers to the Court, and MDL leadership, but works with everyone, including those lawyers and clients—from all over the Country—who are often on the outside looking into an MDL. All parties want and need a liaison counsel with the time, attention to detail, responsiveness, and judgment to exercise the right kind of servant leadership. It is my pledge to serve in this capacity to the best of my ability.

6. Throughout my career, I have worked cooperatively with lawyers on the opposing side, as well as outside firms, in other MDL/JCCP litigations. I am well respected by lawyers and judges alike. For the first four years of my career, I appeared in court daily in the Cook County Law Division, which hears complex civil cases. Several sitting and retired judges that I routinely appeared before personally commended me for my professionalism and collegial nature, including Hon. Lorna Propes (Ret.), Hon. Larry G. Axelrood (Ret.), Hon. Christopher E. Lawler (Ret.), Hon. Jack Callahan (Ret.), Hon. Janet Brosnahan, and Hon. Patricia Sheehan.

In addition to collaborating with co-counsel and opposing counsel throughout the litigation process, I have honed my collaborative skills through professional organizations and volunteer opportunities. I was nominated two years in a row by a committee of preeminent women lawyers to serve on the Board of Directors of the Women’s Bar Association of Illinois. In my role, I work collaboratively with sixteen other women attorneys from diverse backgrounds and practice areas to promote the interests and welfare of women lawyers and women in the state. I mentor junior women attorneys through the Illinois’ Commission on Professionalism and within my firm. I also served as a volunteer coach for my alma mater’s nationally ranked trial team. Most recently, I took the initiative to reach out to a former trial team colleague to co-counsel with him on his trials so that I could continue to hone my advocacy skills. He agreed, and I chaired my first jury trial, achieving a favorable verdict for

the client. This is the kind of effort I make to be a better lawyer and person; I learn from others and take pride in my ability to work well with anyone.

7. I have significant professional experience in this type of litigation. The first mass tort I was substantively involved in was the Essure California JCCP litigation. Within weeks of joining Wexler Wallace, I was entrenched in case-specific bellwether trial preparation. While I was originally not assigned to the case, I made it a point to offer my help and skills where they could be best utilized. I deposed our bellwether plaintiff's treating physicians, presented an expert obstetrician-gynecologist at deposition, drafted and responded to case specific *Sargon* motions and motions in limine, helped to put on a focus group, drafted and argued our response to defendant's motion for summary judgement, and prepared deposition designations of unavailable trial witnesses. As a result of my good work on that case, I was asked to serve on the law and briefing committee in the Gilead Tenofovir California JCCP litigation and helped on various other committees. I helped to draft plaintiff's response to defendant's motion to dismiss, drafted multiple discovery related motions, and drafted *Sargon* motions/responses to defendant's motions. As part of the narrative committee, I performed document review and drafted memoranda regarding key defense documents. For several months, I helped the expert committee by preparing an expert for deposition and trial. I also assisted with the first bellwether trial by preparing defense presentation materials for multiple focus groups, spearheaded the deposition designations project, and conducted multiple meet and confers regarding the deposition designations. I have worked on similar issues in the Paragard MDL, where I drafted portions of the motion to dismiss, participated in ESI and discovery related meet and confers, interviewed bellwether plaintiffs and currently serve on the expert and discovery committees.

8. I have filed the following *Tepezza* actions: *Weibel v. Horizon Therapeutics USA, Inc.* (1:22-cv-04518); *Walker v. Horizon Therapeutics USA, Inc.* (1:22-cv-06375); *Leeds v. Horizon Therapeutics USA, Inc.*(1:22-cv-06837).

9. I respectfully seek this Court's appointment as Liaison Counsel in this MDL. If selected, I will dedicate my time and resources, as well as those of my firm, to working cooperatively with all counsel and the Court to advance the fair and just resolution of the cases consolidated in this MDL.

10. A copy of my current *curriculum vitae* is attached.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on June 7, 2023.

/s/Molly Condon Wells
Molly Condon Wells

MOLLY CONDON WELLS

WALLACE MILLER

150 N. Wacker, Suite 1100, Chicago, Illinois

LEGAL EXPERIENCE

Focus on advocating for the protection of individuals through complex mass tort and class action litigation, with significant experience in products liability litigation (prescription drug, medical devices, and toxic harm)

WALLACE MILLER, Chicago, IL

Partner, December 2022 – present

Senior Associate Attorney, November 2021 – December 2022

WEXLER WALLACE, LLP, Chicago, IL

Senior Associate Attorney, October 2019 – November 2021

WOOD SMITH HENNING & BERMAN, LLP, Chicago, IL

Senior Associate Attorney, June 2018 – September 2019

HURLEY, MCKENNA & MERTZ, Chicago, IL

Associate Attorney, November 2015 – June 2018

EDUCATION

CHICAGO-KENT COLLEGE OF LAW, Chicago, IL

Juris Doctor, cum laude, May 2015

UNIVERSITY OF ILLINOIS, Urbana-Champaign, IL

Bachelor of Arts in Political Science, December 2011

BAR ADMISSIONS

Illinois State Bar, November 2015

United States District Court, Northern District of Illinois, 2016

HONORS AND PROFESSIONAL ACTIVITIES

Selected to the Super Lawyers Rising Stars List, 2018 – 2023

Selected to the Best Lawyers' Ones to Watch List, 2023

Chicago-Kent College of Law Achievement Grant

American Association for Justice, Student Trial Advocacy Competition, Chicago Champion

Women's Bar Association of Illinois, Board of Directors, 2022 – present

Illinois Trial Lawyers Association, Women's Caucus

American Association for Justice, Women Trial Lawyers Caucus

Leukemia and Lymphoma Society Associate Board, Former Vice President, 2020

Chicago-Kent College of Law, Trial Advocacy Coach, 2015 – 2016

APPOINTMENTS AND COMMITTEES

In re: Hair Relaxer Sales Practices, Marketing, and Prods. Liab. Litig., MDL No. 3060 (N.D. Ill.) Appointed by Judge Mary Rowland to the Leadership Development Committee.

In Re Paragard IUD Products Cases, MDL No. 2974 (N.D. Ga.), Selected by Plaintiffs' Leadership to the Law and Briefing Committee, Discovery Committee, Bellwether Committee and Expert Committee.

In Re Gilead Tenofovir Litigation, JCCP No. 5043 (Cal. Super. Ct.), Selected by Plaintiffs' Leadership to the Law and Briefing Committee, Expert Committee, Bellwether Committee and Narrative Committee.

In Re Essure Product Cases, JCCP No. 4887 (Cal. Super. Ct.), Selected by Plaintiffs' Leadership to the Law and Briefing Committee and Bellwether Committee.

PUBLICATIONS & SPEAKING ENGAGEMENTS

Keeping Your Case in State Court: How to Defeat Snap Removal and Fraudulent Joinder, ILLINOIS TRIAL LAWYERS ASSOCIATION JOURNAL (Summer 2023)

Chicago Bar Association, Young Lawyer's Section Diversity Week: The Future of Family Planning, Reproductive Healthcare and Equality
CLE Presentation, April 28, 2023

HarrisMartin's Webinar Series: Update on Exactech Recall Litigation
CLE Presentation, June 15, 2022

HarrisMartin's Webinar Series: Exactech Hip, Knee and Ankle Recall Litigation
CLE Presentation, April 13, 2022

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

***In re: Tepezza Marketing, Sales
Practices, and Products Liability
Litigation***

**This document relates to: All
Actions**

MDL No. 3079

Case No. 1:23-cv-03568

Judge Thomas M. Durkin

**Declaration of Mark Abramowitz
for Appointment to Plaintiffs' Executive Committee**

I respectfully submit this declaration in support of my proposed appointment to the Plaintiffs' Executive Committee. This declaration is submitted with the consent and agreement of other interested counsel comprising the proposed co-leads, Plaintiffs' Liaison Counsel, and Plaintiffs' Executive Committee.

1. I am a Partner of DiCello Levitt LLP, a law firm that is respected for our ability to litigate and win cases – whether by trial, settlement, or otherwise – for people who have suffered harm. Every day, we put our reputations – and our capital – on the line for our clients. Our goal is and has been raising the bar for corporate conduct and responsibility, paving the way for a more just and equitable world. Based in Birmingham, Chicago, Cleveland, New York, San Diego, and Washington, D.C., with a nationwide practice, the firm's attorneys have successfully led—and are presently leading—some of the most complex cases in the country, achieving victories against Apple, Boeing, Coca-Cola, General Motors, Equifax, Ford, and other Fortune 500 companies.

2. I graduated with a degree in Bachelor of Arts in political science from the University of Guelph in 2008. I received my law degree in 2011 from the University of Toledo. I was admitted to the Ohio state bar in 2011 and the Pennsylvania state bar in 2020. I am also admitted to practice in the Northern and Southern districts of Ohio, the Eastern and Western districts of Michigan and the Third Circuit Court of Appeals.

3. I have been practicing for over ten years in mass tort and single event cases, including medical malpractice cases. The combination of my practice has allowed me to take numerous cases, as either lead or second chair, to verdict or to the brink of trial. Between my mix of mass tort and single event cases, I have been apart of almost every aspect of personal injury litigation.

4. Myself and my firm have an active multi-district practice. We understand the resources and time that must be dedicated to this type of litigation. This understanding ensures that our attorneys, in this case myself, have their schedules

adjusted to ensure that the appropriate time required to bring complex multi-district litigation to a successful resolution is provided for.

5. Being part of both mass tort and single event trial teams requires the strong ability to work as a member of a team. My roles have varied from leading teams to being a strong supporting member. I play both of these roles with vigor and work to make the team as strong as possible anyway I can.

6. Over the last ten years, I have been involved in organizing, managing and litigating mass torts which include *In Re: Abbott Laboratories, et al., Preterm Infant Nutrition Products Liability Litigation*, MDL No. 3026, *In Re: Paraquat Products Liability Litigation*, MDL No. 3004, *In re Mentor Corp. ObTape Transobuturator Sling Products Liability Litigation*, MDL No. 2004, *In re Propecia (Finasteride) Product Liability Litigation*, MDL No. 2331, *In re Stryker Rejuvenate and ABG II Hip Implant Products Liability Litigation*; MDL No. 2441, *In Re: Social Media Adolescent Addiction/Personal Injury Products Liability Litigation*; MDL 3047, and the *In Re: Hair Relaxer Marketing, Sales Practices, and Products Liability Litigation*. My roles in these litigations range from leading discovery teams, preparing for science days, addicting in drafting of motions or other court filings, to handling meet and confers and deposition preparation.

7. In this litigation, we have filed three cases. They are, *Snyder v. Horizon Therapeutics USA, Inc.*, Case No. 1:22-cv-06747 Northern District of Illinois; *Polanco Snyder v. Horizon Therapeutics USA, Inc.*, Case No. 1:23-cv-02503 Northern District of Illinois; *Merriweather Snyder v. Horizon Therapeutics USA, Inc.*, Case No. 1:23-cv-02714, Northern District of Illinois.

8. I am part of DiCello Levitt's trial team and focus group team. As part of those teams, in 2022, I helped secured a 102.6-million-dollar verdict in the class action case *Raul Siqueiros, et al. v. General Motors LLC*, Case No. 3:16-cv-07244, in the U.S. District Court for the Northern District of California.

9. I respectfully seek this Court's appointment to the Plaintiffs' Executive Committee in this MDL. If selected, I will dedicate my time and resources, as well as those of my firm, to working cooperatively with all counsel and the Court to advance the fair and just resolution of the cases consolidated in this MDL.

10. A copy of my current curriculum vitae is attached.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on June 12, 2023.

/s/Mark Abramowitz
Mark Abramowitz

Mark Abramowitz
DiCello Levitt LLP
8160 Norton Parkway, Third Floor
Mentor, Ohio 44060

Legal Experience

Practice centers on representing plaintiffs in complex and high-profile disputes including prescription drug, medical devices, and toxic harm liability as well as medical malpractice cases.

DiCello Levitt LLP¹, Cleveland, Ohio

January 2011 to Present

Partner – January 2022

Senior Counsel – April 2017 to December 2021

Associate – January 2011 to March 2017

Education

The University of Toledo College of Law, J.D. (2011)

University of Guelph B.A., political science (2007)

Professional Activities & Awards

American Association for Justice

Ohio Association for Justice (Trustee) and chair of the Mass Tort section

The Sedona Conference

Law360 Personal Injury Editorial Advisory Board (former)

Admissions

Ohio and Pennsylvania

United States District Courts for:

Northern District of Ohio

Southern District of Ohio

Eastern District of Michigan

Western District of Michigan

United States Court of Appeals for the Third Circuit

¹ Formerly known as DiCello Levitt Gutzler LLC, DiCello Levitt & Casey and The DiCello Law Firm

Select Committees

In Re: Abbott Laboratories, et al., Preterm Infant Nutrition Products Liability Litigation, MDL No. 3026 (N.D. Ill.), Selected by Plaintiffs' Leadership to the discovery committee.

In Re: Paraquat Products Liability Litigation, MDL No. 3004 (S.D. Ill.), Selected by Plaintiffs' Leadership to the discovery committee.

In Re: Hair Relaxer Marketing, Sales Practices, and Products Liability Litigation, MDL No. 3060 (N.D. Ill.), Selected by Plaintiffs' Leadership to several committees including but not limited to the discovery committee and science committee.

Speaking Engagements

Harris Martin: Tepezza Litigation Status (May 2023)

Harris Martin: Social Media Update: Next Steps (January 2023)

Harris Martin: Managing the Production, Storage and Analysis of Electronically Stored Data (January 2023)

New Trends in Civil Litigation, CLE (December 2021)

Emerging from the COVID Cocoon, (June 2021)

Cybersecurity and what it means to you, CLE (March 2020)

What is E-Discovery, Podcast (July 2019)

E-Discovery: What You Are Not Being Told, But How to Get It, CLE (March 2018)

Electronics in the Courtroom, CLE (December 2016)

How to manage a mass tort inventory, CLE (May 2015)

Mass Tort – The Importance of Venue, CLE (November 2014)

Professional Conduct – e-filing, CLE (December 2014)

Marketing & Electronic Communications, CLE (December 2013)

Publications

“Clearing Discovery Hurdles,” Trial (American Association for Justice) (2022)

“How to Get the Higher Cap: RC 2323.43 – Creating a Genuine Issue of Material

“Fact in Joint Replacement Cases,” Ohio Trial (Ohio Association for Justice) (2015)

“The Mass Tort Tool Belt,” Ohio Quarterly (Ohio Association for Justice) (2015)

“The Best Advice I Received and the Advice I Would Give,” Ohio Quarterly (Ohio Association for Justice)(2015)

“What is Permanent and Substantial Physical Deformity? Creating a Genuine Issue of Material Fact in Joint Replacement Cases,” News (Cleveland Academy of Trial Attorneys) (2014)

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

***In re: Tepezza Marketing, Sales
Practices, and Products Liability
Litigation***

**This document relates to: All
Actions**

MDL No. 3079

Judge Thomas M. Durkin

Civil Action No.: 1:23-cv-03568

**Declaration of Panagiotis V. Albanis
for Appointment to Plaintiffs' Executive Committee**

I, Panagiotis "Pete" V. Albanis, respectfully submit this declaration in support of my proposed appointment to the Plaintiffs' Executive Committee. This declaration is submitted with the consent and agreement of other interested counsel comprising the proposed co-leads, Plaintiffs' Liaison Counsel, and Plaintiffs' Executive Committee.

1. I am a shareholder in the law firm of Morgan & Morgan which has over 800 attorneys and 4,000 employees nationwide. The firm has a national mass torts practice and has been pursuing mass torts matters for 20 years.

2. I graduated from The University of Chicago in 1999 with dual degrees in Political Science and Romance Languages (French). I received my law degree in 2002 from DePaul University College of Law. I was admitted to the Illinois Bar on November 7, 2002 and the Florida Bar on April 20, 2010. I am also admitted to practice in the following federal courts: Northern District of Illinois, Southern District of Illinois, Middle District of Florida, Southern District of Florida, and Northern District of Florida.

3. I have been appointed to serve on the national Plaintiffs' Steering Committees in the following cases: *In re: Chinese-Manufactured Drywall Products Liability Litigation*, MDL No. 2047 in 2018 and *In re: Windsor Wood Clad Window Products Liability Litigation*, MDL No. 2688 in 2016.

4. I have been practicing law for over 20 years and have represented both plaintiffs and defendants. I have tried multiple cases and was recently part of the trial team in a bellwether case in the 3M Combat Arms Earplugs MDL (November 2021). I have also been part of global settlement mediations in the Chinese Drywall MDL (Spring 2019). I have been involved in all aspects of litigation in over 15 MDLs or mass actions, from intake and client interviews to settlement.

5. I am available and committed to spending the time necessary to see this litigation through to its conclusion. MDL 3079 will be my primary focus as I am not

appointed to any other Leadership positions in any unresolved cases. My firm has the resources and support staff necessary to be fully engaged in this litigation.

6. I work well with others and have established many longstanding relationships with both plaintiff and defense attorneys in multiple firms throughout the country.

7. I have worked almost exclusively on mass torts matters from 2009 through the present. My other caseload generally involves torts claims against larger corporate entities. I have extensive experience with both expert and fact discovery, dispositive motions, and trials in mass torts cases. In addition, I've worked closely with defense counsel in multiple mass torts to resolve disputes, both discovery and otherwise.

8. To date, our firm has filed one *Tepezza* case: *Barbara Ellen Conklin vs. Horizon Therapeutics USA, Inc.*, Case No.: 1:23-cv-03639 in the Northern District of Illinois. We anticipate filing several additional cases in the near future.

9. I personally look forward to representing my firm's clients and working with my colleagues from other plaintiffs' firms on this litigation. I would be happy to discuss my experience and my firm's willingness to be fully involved in this litigation with the Court.

10. I respectfully seek this Court's appointment to the Plaintiffs' Executive Committee in this MDL. If selected, I will dedicate my time and resources, as well as those of my firm, to working cooperatively with all counsel and the Court to advance the fair and just resolution of the cases consolidated in this MDL.

11. A copy of my current *curriculum vitae* is attached.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 8, 2023.

/s/Panagiotis V. Albanis

Panagiotis "Pete" V. Albanis

PANAGIOTIS “PETE” V. ALBANIS

2150 GOODLETTE-FRANK RD. SUITE 750· NAPLES, FLORIDA 34102
DIRECT: (239) 432-6605 · CELL: (773) 251-2773 · EMAIL: PALBANIS@FORTHEPEOPLE.COM

EDUCATION

DePaul University College of Law · Chicago, Illinois

Juris Doctor, May 2002

- Certificate in General Intellectual Property Law: May 2002
- Dean’s List: 2001
- *CALI* Award for Advanced Legal Writing: Fall 2001
- Published case summary, *US v. Henriques*: 11 DEPAUL-LCA J. ART & ENT. L. 563 (Fall 2001)
- Judicial Extern for Judge Charles P. Kocoras of the U.S. District Court of the Northern District of Illinois: Spring 2001
- Hellenic Law Society, Founder and President: 2001-2002

The University of Chicago · Chicago, Illinois

Bachelor of Arts, June 1999

- Dual degree in Political Science and Romance Languages
- Dean’s List: 1997, 1998, and 1999
- WHPK Radio: Head Political Affairs DJ
- University Wind Ensemble: Baritone Saxophone

BAR ADMISSIONS

State of Illinois – 2002

State of Florida – 2010

Northern District of Illinois – 2002

Southern District of Illinois – 2007

Middle District of Florida – 2010

Southern District of Florida – 2011

Northern District of Florida – 2020

EXPERIENCE

Morgan & Morgan · Naples, Florida

March 2009-present

Complex Litigation Group – Trial Attorney

- Shareholder from 2016 to the present.
- Oversee all aspects of representing large numbers of clients in multiple national litigations, including: 3M Combat Arms Earplugs (MDL 2885; approx. 5,000 cases); Defective Chinese Drywall (MDL 2047; approx. 600 cases); Taxotere/Docetaxel (MDL 2740; approx. 200 cases).
- Defend and take hundreds of depositions of experts and fact witnesses.
- Review and revise expert reports and work in conjunction with dozens of expert witnesses to ensure that their opinions pass *Daubert* challenges.
- Interview potential experts and provide recommendations to leadership attorney teams regarding appropriateness.
- Prepare plaintiffs and defend them in their depositions.
- Prepare pleadings including master complaints and short form complaints.
- Actively participate in extensive motion practice in all aspects of litigation, including: motions for summary judgment, motions to dismiss, motions to strike, motions to compel, *Daubert* motions, and motions *in limine*.

Pete V. Albanis - Page 2

- Direct support staff to properly manage large client inventories.
- Member of trial team in November 2021 in 3M Combat Arms Earplugs bellwether case that resulted in verdict of \$816,395 in compensatory damages and \$12.245 million in punitive damages, making it the largest verdict at the time for the roughly 250,000 plaintiffs in the litigation.
- Representing multiple plaintiffs in environmental litigation against Lockheed Martin related to its Sand Lake Road Facility in Orlando, Florida, including, defending and taking client and expert depositions, preparing motions, appearing for hearings, and negotiating with defense counsel regarding various discovery and dispositive issues. *Henderson, et al. vs. Lockheed Martin Corp.*, Case No. 21-1363 (M.D. Florida).
- Member of discovery team regarding the 2015 Aliso Canyon gas leak in litigation against SoCalGas that resulted in a \$1.8 billion settlement.
- Represented nine of 20 representative plaintiffs in 2018 to 2019 in the Chinese Drywall MDL against Taishan, a corporate entity owned by the Chinese government.
- Conducted extensive investigation into the manufacturer of ProWall brand drywall to confirm that Taishan was the manufacturer. As a result, over one hundred homeowners received settlement proceeds after their claims had been denied by defendants.
- Member of global mediation team in Chinese Drywall MDL against Taishan. The mediation resulted in a \$248 million settlement and was the first class action settlement against a Chinese-government owned entity in U.S. history.
- Represent individuals and small corporate entities in intellectual property litigation nationwide.
- Represented former Florida Governor and Congressman Charlie Crist in copyright infringement lawsuit filed by David Byrne (lead songwriter for The Talking Heads). *Byrne v. Crist*, Case No. 10-1187 (M.D. Florida).
- Represented Plaintiff in reverse trademark infringement lawsuit against Nike involving “MELO” trademark resulting in favorable confidential settlement. *Vinson vs. Nike*, Case No. 09-721 (W.D. Wisconsin).

Tressler, LLP · Chicago, Illinois

January 2003-March 2009

Associate Attorney

- Represented hundreds of clients in commercial litigation matters, focusing primarily on intellectual property, breach of contract, and securities disputes.
- Prepared pleadings, legal memoranda, discovery, pretrial materials, settlement agreements, trademark and copyright registration applications, employment contracts, and motions including motion for preliminary injunction and supporting memorandum in trademark infringement suit, and motions to dismiss and for summary judgment in copyright, trademark and patent infringement suits.
- Prepared for, took, and defended multiple depositions.
- Served as lead trial counsel in over 50 bench trials under the Illinois Condominium Property Act.
- Defended numerous cases brought under the Telephone Consumer Protection Act, 47 U.S.C. §227, leading to favorable settlements.
- Appeared for oral argument on numerous dispositive and routine motions.
- Member of defense trial team in copyright infringement lawsuit that resulted in directed verdict on behalf of client; preparation of motion for directed verdict. *Eagle Services Corp. v. H2O Industrial, Inc. et al.*, Case No. 02-36 (N.D. Indiana).
- Conferred with co-counsel to formulate effective litigation strategies.
- Directed support staff in the preparation of pleadings and review of documents.

M. Leslie Kite & Associates, P.C. · Chicago, Illinois

May 2001–January 2002

Law Clerk

- Performed legal research for Fortune 500 company in matters regarding the Digital Millennium Copyright Act and collections.

Pete V. Albanis - Page 3

- Drafted complaints, demand letters, and motions in preparation for trial.
- Interview client representatives to discuss legal strategies.
- Assist with trial preparation.

American Tool Companies · Hoffman Estates, Illinois

May-August 2000

Law Clerk

- Performed legal research regarding intellectual property, Title VII, labor law, and breach of contract matters.
- Created the Legal Department's intranet website including employee information for proper trademark use, contract negotiation, and discrimination policies.
- Drafted company's records retention policy.
- Interviewed employees regarding intellectual property matters.
- Prepared Digital Millennium Copyright Act notices.

COURT-APPOINTED LEADERSHIP POSITIONS

In re: Chinese-Manufactured Drywall Products Liability Litigation, MDL No. 2047 (E.D. Louisiana) – Plaintiffs' Steering Committee member beginning 2018

In re: Windsor Wood Clad Window Products Liability Litigation, MDL No. 2688 (E.D. Wisconsin) – Plaintiffs' Steering Committee member beginning 2016

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

***In re: Tepezza Marketing, Sales
Practices, and Products Liability
Litigation***

**This document relates to: All
Actions**

MDL No. 1:23-cv-03568

Judge Thomas M. Durkin

**Declaration of Alyson Steele Beridon
for Appointment to Plaintiffs' Executive Committee**

I, Alyson Steele Beridon, pursuant to 28 U.S.C. §1746, declare that the following is true and correct to the best of my knowledge and belief:

1. I respectfully submit this declaration in support of my proposed appointment to the Plaintiffs' Executive Committee. This declaration is submitted with the consent and agreement of other interested counsel comprising the proposed co-leads, Plaintiffs' Liaison Counsel, and Plaintiffs' Executive Committee.

I. Ms. Beridon is Well-Qualified to Serve on the Plaintiffs' Executive Committee in this Action.

2. I am a Partner at Herzfeld, Suetholz, Gastel, Leniski, and Wall, PLLC. HSGLaW has offices in Nashville, Louisville, Cincinnati, and Washington, D.C. and my partners and I have decades of experience litigating complex matters. This includes appointments to leadership positions and class counsel positions in complex cases, antitrust cases, and consumer class actions across the country. A copy of my current *curriculum vitae* is attached.

3. I graduated from the University of Evansville in Evansville, Indiana in 1998. I received my law degree in 2010 from the Salmon P. Chase College of Law at Northern Kentucky University. I am a member in good standing of the bars of Ohio, Kentucky, and Tennessee. I am also admitted to the U.S. District Courts for the Southern District of Ohio, the Northern District of Ohio, the Eastern District of Kentucky, the Western District of Kentucky, the Middle District of Tennessee, the Western District of Tennessee, and the U.S. Court of Appeals for the Sixth Circuit.

4. I have previously been appointed as a member of the Plaintiffs Steering Committee in *In re: East Palestine Train Derailment*, 4:23-CV-00242-BYP (N.D. Ohio).

5. I serve as counsel for plaintiff in the following action that is part of the above-captioned multidistrict litigation (the "MDL"): *McMullen v. Horizon Therapeutics USA, Inc.*, 2:23-cv-01705 (S.D. Ohio).

II. HSGLaW's Attorneys Are Experienced in Complex Litigation

6. I have significant experience in complex litigation. Most recently, I appeared with other members of my firm as counsel of record in a class action against Nissan related to faulty brake systems, successfully petitioning the Court to certify the case as a damages class action across 10 states. HSGLaW attorneys also filed suit against Nissan concerning faulty continuous variable transmission systems, securing a Court-approved settlement valued at nearly \$287 million in benefits for class members. As noted above, I am a member of the Plaintiffs' Steering Committee in consolidated cases brought by residents, property owners, and businesses against Norfolk Southern for its role in the train derailment and toxic chemical spill in East Palestine, Ohio.

7. HSGLaW also has extensive experience in litigating mass tort cases. Attorneys at the firm, including me, led the Baby Doe opioids matter in Sullivan County, Tennessee, HSGLaW and successfully moved the case through the motion to dismiss stage, discovery, and summary judgment, successfully obtained default judgment as a sanction against Endo Pharmaceuticals, and (one week before trial) ultimately procured a \$35 million settlement for local governments and a minor born drug dependent, reflecting the largest per capita opioid settlement by Endo in the country. All of this was done while coordinating depositions in that matter with the opioids MDL, over 160 in total. Additionally, the Firm's attorneys, including me, represented hundreds of infants fed pre-term infant formula and led one of the early cases set for trial after securing key motion to dismiss rulings and important rulings regarding snap removal. The firm's attorneys also represented hundreds of individuals injured as a result of exposure to tainted pharmaceuticals manufactured at New England Compounding Pharmacy in Framingham, Massachusetts stemming from the 2012 nationwide outbreak of fungal meningitis that ultimately resulted in hundreds of millions of dollars in settlement.

III. HSGLaW is Willing to Commit the Attorneys and Resources that This Litigation Requires

8. As reflected in the firm resume, HSGLaW has a group of litigation attorneys with extensive credentials and experience in class actions, antitrust litigation, and complex litigation (including in the MDL context). If I am appointed to the Plaintiffs' Executive Committee, the firm would devote all necessary resources to prosecuting this case in the best interests of the plaintiffs. We can leverage attorney and staff resources across our four offices. As noted above and in our firm resume, our attorneys have already led or otherwise participated in complex litigation. I will ensure that HSGLaW's attorneys devote the time necessary to litigate this MDL action on behalf of the plaintiffs.

IV. HSGLaW Has A Demonstrated Ability to Work Cooperatively, Professionally, and Respectfully with Other Counsel.

9. HSGLaW attorneys have a history of acting cooperatively, professionally, and respectfully with others – even when the stakes have been very high. Our attorneys have a history of civic engagement both inside and outside the legal profession. We have

worked well with counsel for plaintiffs and defendants, including extensive coordination in complex matters. HSGLaW's attorneys have worked together in other litigation with attorneys from most of the other interested counsel in this MDL.

10. I respectfully seek this Court's appointment to the Plaintiffs' Executive Committee in this MDL. If selected, I will dedicate my time and resources, as well as those of my firm, to working cooperatively with all counsel and the Court to advance the fair and just resolution of the cases consolidated in this MDL.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on June 8, 2023 in Cincinnati, Ohio.

/s/Alyson Steele Beridon
Alyson Steele Beridon

Alyson Steele Beridon
Herzfeld, Suetholz, Gastel, Leniski and Wall, PLLC

600 Vine Street, Suite 2720

Cincinnati, Ohio 45202

(513) 381-2224

alyson@hsglawgroup.com

Legal Experience

Herzfeld, Suetholz, Gastel, Leniski and Wall, PLLC

March, 2023 – present

Member

- Represents plaintiffs in complex disputes, including consumers in consumer class actions and consumer fraud litigation.
- Represents injured individuals and loved ones in personal injury and wrongful death cases.
- Represents unions, advocacy and charitable organizations in areas such as elections, election finance and lobbying, and various compliance issues.

Branstetter, Stranch & Jennings, PLLC

March, 2018 – March, 2023

Attorney

- Represented consumers in consumer class actions and consumer fraud litigation.
- Represented injured individuals and loved ones in personal injury and wrongful death cases.
- Represented unions, advocacy and charitable organizations in areas such as elections, election finance and lobbying, and various compliance issues.

Kircher, Suetholz & Associates

April, 2016 – March, 2018

Attorney

- Represented unions, advocacy and charitable organizations in areas such as labor law, election finance and lobbying, elections, and various compliance issues.

Alyson Steele Beridon Law Office LLC

June, 2011 – April, 2016

Attorney

- Represented unions, advocacy and charitable organizations in areas such as labor law, election finance and lobbying, elections, and various compliance issues.
- Developed and implemented legislative strategy.

Education

*Salmon P. Chase College of Law, Northern
Kentucky University*
Juris Doctor, 2010
Cum Laude

August, 2006 – August, 2010

University of Evansville, Evansville, Indiana
Bachelor of Arts

August, 1994 – May, 1998

Admissions

Ohio
Kentucky
Tennessee
U.S. Court of Appeals for the Sixth Circuit
U.S. District Court for the Southern District of Ohio
U.S. District Court for the Northern District of Ohio
U.S. District Court for the Western District of Kentucky
U.S. District Court for the Eastern District of Kentucky
U.S. District Court for the Middle District of Tennessee
U.S. District Court for the Western District of Tennessee

Appointments

*In re: East Palestine Train Derailment, Case No. 4:23-CV-00242-BYP, Plaintiffs' Steering
Committee*

Professional Activities and Memberships

American Bar Association
Ohio Bar Association
Kentucky Bar Association
Tennessee Bar Association
Cincinnati Bar Association
American Association for Justice
Ohio Association for Justice
Potter Stewart Inn of Court

Civic/Community Involvement

Southwest Ohio Regional Transit Authority, Vice Chair

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

***In re: Tepezza Marketing, Sales
Practices, and Products Liability
Litigation***

**This document relates to: All
Actions**

MDL No. 3079

Master Case Number: 1:23-cv-03568

Judge Thomas M. Durkin

**Declaration of Brandon L. Bogle
for Appointment to Plaintiffs' Executive Committee**

I respectfully submit this declaration in support of my proposed appointment to the Plaintiffs' Executive Committee. This declaration is submitted with the consent and agreement of other interested counsel comprising the proposed Co-Leads, Plaintiffs' Liaison Counsel, and Plaintiffs' Executive Committee.

1. I, Brandon L. Bogle, am a shareholder at Levin, Papantonio, Rafferty, Proctor, Buchanan, O'Brien, Barr, Mougey, P.A. Our firm was formed in 1955 and is currently comprised of 47 lawyers, most of which focus their practice in the area of mass tort litigation.

2. I graduated from Florida State University with a Bachelor of Science in 2004. I received my law degree in 2008 from The Florida State University College of Law. I was admitted to the Florida Bar in May 2008 and have remained admitted continuously thereafter. I am also admitted to practice in:

United States Court of Appeals for the Third Circuit	7/15/2012
United States Court of Appeals for the Ninth Circuit	7/21/2021
USDC for the Northern District of Florida	8/12/2010
USDC for the Middle District of Florida	6/16/2016
USDC for the Southern District of Florida	7/5/2012
USDC for the District of Nebraska	1/15/2021

3. I have previously served on the Law and Briefing Committee and as co-chair of discovery as to the Defendant Eli Lilly and Company in *In re: Testosterone Replacement Therapy Products Liability Litigation* (MDL 2545). I have also served as the co-chair of discovery as to the Defendant McKesson Corporation in the *In re: National Prescription Opiate Litigation* (MDL 2804).

4. Before joining Levin Papantonio Rafferty, I practiced as an assistant public defender in Florida's Eighteenth and Fourteenth Judicial Circuits. As an assistant public defender, I acted as lead counsel on more than fifteen jury trials, including two life felony cases, and engaged in appellate practice at the circuit court level.

Since joining Levin Papantonio Rafferty, I have focused the majority of my practice on mass tort litigation. I have been actively involved in the litigation of multiple mass tort projects including, but not limited to, those involving the pharmaceutical products Trasyolol, Fosamax, Yaz, Testosterone Replacement Therapy, and Opioids. In doing so, I have successfully represented thousands of plaintiffs in various complex products liability cases. Additionally, I have acted as trial counsel in multiple jury trials involving osteonecrosis of the jaw suffered by patients taking Fosamax along with serving as trial counsel in multiple cases involving heart attacks suffered by patients taking Testosterone Replacement Therapy. I have also served as trial counsel in the opioid bellwether remand trial representing Cabell County, West Virginia. I have further served as appellate counsel in multiple pharmaceutical cases and have conducted oral argument in the United States Court of Appeals for the Third Circuit and the Ninth Circuit on the issue of federal preemption.

5. I am both willing and able to commit myself to this litigation on a full-time basis. I am fortunate to work at a firm that enables its attorneys to focus primarily, and often exclusively, on a single litigation at a time. If I am so honored to be appointed to the PEC in this MDL, I can assure this Court that this litigation will be the primary focus of my practice until its resolution.

6. As shown above, I have a wealth of experience working on mass tort projects. All of these projects have required me to work in conjunction with attorneys from other firms. I fully appreciate the necessity and importance of working collaboratively and cooperatively with fellow plaintiffs' counsel and opposing counsel. To this end, I firmly believe my colleagues and peers would attest to my record of cooperation.

7. Most of my legal experience in the last 13 years has come from work on pharmaceutical cases. I have worked in various roles in these cases such that I am well versed in legal brief writing, written discovery, conducting depositions of corporate witnesses and treating medical physicians, collaborative work with medical experts, and the examination of witnesses at trial.

8. Presently, I have filed two Tepezza cases:

Kimberly Exton v. Horizon Therapeutics USA, Inc.

Maria Lemire v. Horizon Therapeutics USA, Inc.

I also represent additional people who have suffered Tepezza-related injuries and for whom I anticipate filing future Tepezza cases.

9. My firm possesses the necessary capital, financial and otherwise, to substantially contribute funding, time, and all other resources required to manage a complex action, such as this one. My firm has been litigating personal injury and product liability cases since its inception in 1955. We have 47 full-time attorneys and over 150 staff members, and we have handled numerous MDL proceedings over the past three decades.

10. I respectfully seek this Court's appointment to the Plaintiffs' Executive Committee in this MDL. If selected, I will dedicate my time and resources, as well as those of my firm, to working cooperatively with all counsel and the Court to advance the fair and just resolution of the cases consolidated in this MDL.

11. A copy of my current *curriculum vitae* is attached.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on June 8, 2023.

/s/Brandon L. Bogle
Brandon L. Bogle

CURRICULM VITAE BRANDON L. BOGLE

For nearly 15 years, Brandon Bogle has served to protect the rights of clients injured by defective drugs or products. Mr. Bogle has successfully represented thousands of clients in complex mass tort cases from inception to resolution. The list of major MDLs Mr. Bogle has actively litigated in include, but are not limited to, *In re: Fosamax Products Liability Litigation* (MDL 1789); *In re: Yasmin and Yaz (Drospirenone) Marketing, Sales Practices and Products Liability Litigation* (MDL 2100); *In re: Testosterone Replacement Therapy Products Liability Litigation* (MDL 2545); *In re: National Prescription Opiate Litigation* (MDL 2804); *In re: Elmiron Products Liability Litigation* (MDL 2973); and *In re: Paraquat Products Liability Litigation* (MDL 3004).

Mr. Bogle has acted as trial counsel in multiple jury trials involving osteonecrosis of the jaw suffered by patients taking Fosamax along with serving as trial counsel in multiple cases involving heart attacks suffered by patients taking Testosterone Replacement Therapy. Mr. Bogle has also served as trial counsel in the opioid bellwether remand trial representing Cabell County, West Virginia. Mr. Bogle has further served as appellate counsel in multiple pharmaceutical cases and have conducted oral argument in the United States Court of Appeals for the Third Circuit and the Ninth Circuit on the issue of federal preemption. Altogether, Mr. Bogle has worked in various roles in complex mass tort cases such that he is well versed in legal brief writing, written discovery, conducting depositions of corporate witnesses and treating medical physicians, collaborative work with medical experts, and the examination of witnesses at trial.

NATIONAL LEADERSHIP POSITIONS

- *MDL 2545: In re: Testosterone Replacement Therapy Products Liability Litigation*, Civ. File No.: 14-C-1748 (J. Kennelly, N.D. Il.), United States District Court, Northern District of Illinois (Member of Law and Briefing Committee and Co-Chair of Discovery as to Defendant Eli Lilly & Company);
- *MDL 2804: In re: National Prescription Opiate Litigation*, File No.: 1:17-MD-2804 (J. Polster, N.D. Oh.), United States District Court, Northern District of Ohio (Co-Chair of Discovery as to Defendant McKesson Corporation).

AREAS OF PRACTICE

- Pharmaceutical Litigation
- Criminal Defense

PROFESSIONAL MEMBERSHIPS

- American Association of Justice
- Florida Justice Association

BAR ADMISSIONS

- Florida, 2008
- United States Court of Appeals for the Third Circuit, 2012
- United States Court of Appeals for the Ninth Circuit, 2021
- United States District Court for the Northern District of Florida, 2010
- United States District Court for the Middle District of Florida, 2016
- United States District Court for the Southern District of Florida, 2012
- United States District Court for the District of Nebraska, 2021

EDUCATION

- Florida State University College of Law, *Magna Cum Laude*, Tallahassee, FL, 2007
- Florida State University, Bachelor of Science (Interdisciplinary Social Science), Tallahassee, FL, 2004

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

***In re: Tepezza Marketing, Sales
Practices, and Products Liability
Litigation***

**This document relates to: All
Actions**

MDL No. 3079

Case No. 1:23-cv-03568

Judge Thomas M. Durkin

**Declaration of C. Andrew Childers
for Appointment to Plaintiffs' Executive Committee**

I respectfully submit this declaration in support of my proposed appointment to the Plaintiffs' Executive Committee. This declaration is submitted with the consent and agreement of other interested counsel comprising the proposed Co-Leads, Plaintiffs' Liaison Counsel, and Plaintiffs' Executive Committee.

1. I am a founding partner of Childers, Schlueter & Smith, LLC, which has been representing individuals injured by defective pharmaceuticals, medical devices, and other products since its formation in January 2001.

2. I graduated from Clemson University with a Bachelor of Arts in English in 1995. I received my law degree in 1998 from the University of Georgia School of Law. I am admitted to practice law in the States of Georgia and Florida and the Commonwealth of Pennsylvania. I am also admitted to practice in United States Supreme Court, the Eleventh Circuit Court of Appeals, and the District Courts for the Northern District of Illinois,¹ the Northern and Middle Districts of Georgia, the Northern, Middle, and Southern Districts of Florida, and the District of Columbia.

3. I have been appointed to the following leadership positions in MDLs and other consolidated mass tort litigations:

- Co-Lead Counsel in MDL 3026 (*In Re: Abbott Laboratories, et al., Preterm Infant Nutrition Product Liability Litigation*), pending before Chief Judge Rebecca Pallmeyer in the Northern District of Illinois;
- Plaintiffs' Liaison Counsel in MDL 2947 (*In Re: Paragard IUD Products Liability Litigation*), pending in the Northern District of Georgia;
- Plaintiffs' Steering Committee in MDL 3060 (*In Re: Hair Relaxer Marketing, Sales Practices, and Product Liability Litigation*), pending before the Hon. Mary Rowland in the Northern District of Illinois;

¹ I have been an active member of both the General Bar and the Trial Bar of the U.S. District Court for the Northern District of Illinois since November 2014.

- Plaintiffs' Steering Committee in MDL 2782 (*In Re: Ethicon Physiomesh Flexible Composite Hernia Mesh Products Liability Litigation*), pending in the Northern District of Georgia;
- Co-Lead Counsel for Plaintiffs in the Consolidated Pradaxa Docket in the Superior Court, J.D. at Hartford, Hartford, Connecticut;²
- Co-Lead of the Marketing Subcommittee of the Discovery Committee for the Plaintiffs' Steering Committee in MDL 2592 (*In Re: Xarelto Products Liability Litigation*); and
- Plaintiffs' Steering Committee in MDL 2016 (*In Re: Yamaha Motor Corp. Rhino ATV Products Liability Litigation*).³

4. In addition to the pharmaceutical and other mass tort litigation and trial experience listed in footnotes 2 and 3, I was co-lead trial counsel in a trial in 2017 that resulted in the largest pharmaceutical injury verdict ever awarded in the State of Georgia. The jury in that case awarded a total verdict of \$20,543,981.00 for the plaintiffs (\$3,043,981.00 in compensatory damages and \$17,500,000.00 in punitive damages). In 2022, I was co-lead trial counsel in a trial that resulted in the largest dental malpractice verdict ever awarded in the State of Georgia. After deliberating for less than an hour and a half, the jury in that case awarded \$10,000,000.00 to the plaintiff. This verdict is also believed to be the second largest dental malpractice verdict ever awarded in the United States.

5. For more than 22 years, Childers, Schlueter & Smith, LLC ("CSS") has represented injured individuals in complex litigation, including MDL and state-court consolidated mass torts. CSS will commit all resources of the firm that are necessary to move the cases in MDL 3079 from beginning to resolution. With respect to financial resources, my firm and I are well aware of the amounts necessary to participate in and/or fund a litigation such as this one, and I warrant that we are fully capable of doing so.

6. I have been litigating mass tort cases in State and Federal courts throughout the country for more than 23 years. I have served as lead counsel, co-counsel, and/or local counsel alongside numerous well-respected attorneys and law firms, many of whom are included in the leadership structure currently being proposed to the Court. I have demonstrated the ability to successfully collaborate with co-counsel and

² I served as lead or co-lead trial counsel in three of the four bellwether trials conducted in the consolidated Pradaxa litigation (two multi-week trials in 2018 and one multi-week trial in 2019) as well as a multi-week Pradaxa trial conducted in the U.S. District Court for the Southern District of West Virginia in October 2018. Following those four trials, I participated in the negotiation of a global settlement that resolved all pending Pradaxa cases in 2020.

³ I also served as counsel for the plaintiffs in the majority of the consolidated Rhino ATV cases that were litigated in the State Court of Gwinnett County, Georgia, and I was co-lead trial counsel in the first Rhino ATV trial to result in a plaintiff's verdict.

opposing counsel, working to resolve issues through consensus building and cooperation.

7. I have been actively representing plaintiffs in mass tort litigation (in MDLs, consolidated state-court proceedings, and in individually filed cases) since 1999. As noted in Paragraph 3 above, I have been appointed as Co-Lead Counsel, Plaintiffs' Liaison Counsel, and/or a member of the PSC in multiple MDLs starting in 2009. As noted in Paragraph 4 and footnotes 2 and 3, I have extensive experience as lead or co-lead trial counsel in a variety of mass tort product-liability cases and have obtained favorable results for the plaintiffs in those litigations.

8. I represent the Plaintiffs in *Simpson v. Horizon Therapeutics USA, Inc.*, Case No. 4-23-cv-00055, Middle District of Georgia. The Simpson case is listed on Schedule A of the JPML's June 2, 2023 Transfer Order.

9. During my career, I have worked with and have developed tremendous respect for the other attorneys seeking appointment as Co-Lead Counsel, Plaintiffs' Liaison Counsel, and to the Plaintiffs Executive Committee, and I would be honored to work together with them on behalf of the plaintiffs in this MDL.

10. I respectfully seek this Court's appointment to the Plaintiffs' Executive Committee in this MDL. If selected, I will dedicate my time and resources, as well as those of my firm, to working cooperatively with all counsel and the Court to advance the fair and just resolution of the cases consolidated in this MDL.

11. A copy of my current *curriculum vitae* is attached.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 7, 2023.

/s/C. Andrew Childers
C. Andrew Childers

C. ANDREW CHILDERS
Childers, Schlueter & Smith, LLC
1932 N. Druid Hills Road, Suite 100
Atlanta, Georgia 30319
(404) 419-9500
achilders@cssfirm.com

Accomplished attorney in the area of mass tort litigation, representing individuals throughout the United States who have been injured by pharmaceutical products, medical devices, and other dangerous and defective products.

PROFESSIONAL ACCOMPLISHMENTS

- Co-Lead Counsel in MDL 3026 (*In Re: Abbott Laboratories, et al., Preterm Infant Nutrition Product Liability Litigation*), U.S. District Court for the Northern District of Illinois
- Plaintiff's Liaison Counsel for MDL 2947 (*In Re: Paragard IUD Products Liability Litigation*), U.S. District Court for the Northern District of Georgia
- Member of Plaintiffs' Steering Committee in MDL 3060 (*In Re: Hair Relaxer Marketing Sales Practices and Product Liability Litigation*), U.S. District Court for the Northern District of Illinois
- Member of Plaintiffs' Steering Committee for MDL 2782 (*In Re: Ethicon Physiomesb Flexible Composite Hernia Mesh Products Liability Litigation*), U.S. District Court for the Northern District of Georgia
- Co-Lead Counsel for Plaintiffs, Consolidated Pradaxa Docket in the Superior Court, J.D. at Hartford, Hartford, Connecticut
- Member of Plaintiffs' Leadership Committee, Consolidated Pradaxa Docket in the Superior Court, J.D. at Hartford, Hartford, Connecticut
- Member of Plaintiffs' Steering Committee for MDL 2016 (*In Re: Yamaha Motor Corp. Rhino ATV Products Liability Litigation*), U.S. District Court for the Western District of Kentucky
- Co-Lead of the Marketing Subcommittee of the Discovery Committee for the Plaintiffs' Steering Committee in MDL 2592 (*In Re: Xarelto Products Liability Litigation*), U.S. District Court for the Eastern District of Louisiana
- Member of Discovery Committee for MDL 1657 (*In Re: Vioxx Products Liability Litigation*), U.S. District Court for the Eastern District of Louisiana
- Obtained the only two Plaintiff's verdicts ever awarded in Novel Oral Anticoagulant product-liability litigation in October 2018 and May 2019
- Obtained the largest Plaintiff's pharmaceutical product-liability verdict in Georgia history (\$20,543,981.00) in April 2017
- Obtained the largest Plaintiff's dental-malpractice verdict in Georgia history (\$10,000,000.00) in August 2022
- Co-lead trial counsel in the first Plaintiff's verdict in nationwide product-liability litigation involving Yamaha Rhino off-road vehicles in May 2010
- Moderator of the semi-annual Mass Torts Made Perfect Seminar
- 2014–2023 – “Georgia Super Lawyer” – Class Actions/Mass Torts

- 2011–2013, 2009, and 2007 – “Georgia Super Lawyers Rising Star” – Class Actions/Mass Torts
- 2012 – University of Georgia’s 40 Under 40 – one of only 40 UGA alumni honored for making an impact in business, leadership, community, educational, and philanthropic endeavors
- Frequent guest lecturer for graduate level classes at the Rollins School of Public Health at Emory University – “Litigation as a Health Policy Tool”
- Frequent presenter on pharmaceutical and other mass tort litigation at legal education seminars throughout the United States

LEGAL EXPERIENCE

Levin, Papantonio, Rafferty, Proctor, Buchanan, O’Brien, Barr & Mougey, P.A.

Pensacola, Florida

Of Counsel, October 2021-Present

- Has been the leader of Levin Papantonio Rafferty’s Baby Formula Litigation group since joining the firm as Of Counsel in 2021. Has also organized and led the informal collaboration efforts of more than a dozen law firms around the country with regard to the Federal NEC litigation, including the formation of MDL 3026 before the Hon. Rebecca Pallmeyer, Chief Judge, U.S. District Court for the Northern District of Illinois.

Childers, Schlueter & Smith, LLC

Atlanta, Georgia

Founding Partner, January 2001 – Present

- Mass Torts – Has represented thousands of individuals across the United States who have been injured by products including: Preterm Infant Formula; Hair Relaxer products; Paragard IUD, Xarelto; Pradaxa; Stryker hip implants; DePuy hip implants; Risperdal; Gadolinium-Based Contrast Agents; Fen Phen (Pondimin and Redux); Dilantin; Bextra; Celebrex; Vioxx; Phenytoin; Reglan, Metoclopramide; Fosamax; Yaz and Yasmin; Renu with MoistureLoc; Ethex/K-V Morphine; Topamax; Total Body Formula; Yamaha Rhino UTVs; Baycol; Rezulin; Trasylol; Guidant defibrillators; Icy Hot patches; Kugel Mesh; Lotronex; Zyprexa; Ortho Evra; and PPA.
- Individual Claims – Represents individuals throughout the United States who have suffered from Stevens-Johnson Syndrome (SJS) and Toxic Epidermal Necrolysis (TEN) – severe allergic reactions that cause the person’s skin to slough off, and that can lead to blindness, permanent disability, and/or death.

Rich & Smith, P.C.

Lawrenceville, Georgia

Associate, June 1998 – December 2000

- Represented approximately 200 Georgia citizens who suffered heart and lung damage as a result of ingesting Fen Phen (Pondimin and Redux)
- Litigated probate matters, criminal defense, and other civil cases on behalf of plaintiffs and defendants

EDUCATION

University of Georgia School of Law, Athens, Georgia

Juris Doctor, May 1998

Honors & Activities:

- Order of Barristers
- Student Member – Lumpkin Inn of Court
- National Champion – 1997 ATLA Student Trial Advocacy Competition
- National Quarterfinalist – 1998 ATLA Student Trial Advocacy Competition
- Executive Committee – Mock Trial Board

Clemson University, Clemson, South Carolina

Bachelor of Arts, English (Psychology Minor), May 1995

Honors & Activities:

- Dean's List
- Student Senate

PROFESSIONAL AFFILIATIONS

- Member – State Bars of Georgia and Florida and the Commonwealth of Pennsylvania
- Board Member – Formal Advisory Opinion Board of the State Bar of Georgia
- Former President and Executive Committee Member – Law School Alumni Council of the University of Georgia School of Law
- Member – Law School Alumni Council of the University of Georgia School of Law
- Executive Committee Member – Georgia Trial Lawyers Association
- State Delegate (Georgia) – American Association for Justice
- Former Executive Committee Member - National Trial Lawyers Association: Top 40 Under 40
- Former Chair – Georgia Trial Lawyers Association's EEO Committee
- Former Chair – Civil Justice PAC
- Former Chair – Communications Committee for the Georgia Trial Lawyers Association
- Former Chair – Education Committee for the Georgia Trial Lawyers Association
- Member – Georgia Trial Lawyers Association
- Member – American Association for Justice
- Top 100 Diplomat – National Trial Lawyers Association
- Member – Mass Tort Trial Lawyers Association
- Member – DeKalb County Bar Association
- Member – Trial Lawyers Section of the DeKalb Bar Association

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

***In re: Tepezza Marketing, Sales
Practices, and Products Liability
Litigation***

**This document relates to: All
Actions**

MDL No. 3079

Case No. 1:23-cv-03568

Judge Thomas M. Durkin

**Declaration of Tracy Finken, Esquire
for Appointment to Plaintiffs' Executive Committee**

I respectfully submit this declaration in support of my proposed appointment to the Plaintiffs' Executive Committee. This declaration is submitted with the consent and agreement of other interested counsel comprising the proposed co-leads, Plaintiffs' Liaison Counsel, and Plaintiffs' Executive Committee.

1. I am Tracy Finken, a Shareholder at the law firm of Anapol Weiss with offices in Philadelphia, PA, and Scottsdale, Arizona. The Anapol Weiss law firm has been involved in complex mass tort, medical device and pharmaceutical litigation nationwide for more than three decades. Members of the firm have held various leadership positions in dozens of MDLs including, but not limited to, *In Re Diet Drug Products Liability Litigation*; *In Re Trasylol Products Liability Litigation*; *In Re Zimmer NexGen Knee Implant Products Liability Litigation*; *In Re National Football League Players' Concussion Injury Litigation*; *In Re Biomet Metal-on-Metal Hip Implant Litigation*; *In Re Stryker Rejuvenate & ABG II Litigation*; *In Re Mirena Products Liability Litigation*; *In Re Sorin 3T Heater-Cooler Systems Product Liability Litigation*; *In Re Elmiron Products Liability Litigation* and *In Re NCAA Concussion Litigation*.

2. I received a B.A in History in 1993 and graduated from Widener University School of Law in 1998. I was admitted to practice in Pennsylvania and New Jersey in October 1998. I am also admitted to practice in the Eastern District of Pennsylvania; the District of New Jersey; and the Southern District of Illinois.

3. My prior MDL appointments include the following: Plaintiffs' Executive Committee, MDL No. 2789, *In Re Proton Pump Inhibitor Litigation*, appointed by Judge Claire Cecchi in the District of New Jersey; Plaintiffs' Science Committee, MDL No. 2913, *In Re JUUL Labs Inc., Marketing, Sales Practices and Products Liability litigation*, appointed by Judge William Orrick in the Northern District of California; Co-Lead Counsel, MDL No. 2924, *In Re Zantac Products Liability Litigation* appointed by Judge Robin Rosenberg in the Southern District of Florida.

In addition, I have served on several discovery and science committees in various mass torts in state and federal courts over the course of my career.

4. I have practiced exclusively in the area of Mass Torts and Products Liability for 25 years in a variety of consolidated state court mass tort programs and MDL leadership positions. I have worked on all aspects of civil litigation from case development through trial and appeal. I have extensive experience in MDL procedural matters including development of case management and scheduling orders, as well as relevant MDL litigation experience such as organizing and leading complex discovery and science committees, ESI, conducting depositions of both fact and expert witnesses in preparation for bellwether trials, developing overall litigation strategy and as a member of the trial team.

5. I can immediately dedicate substantial time and resources as a member of the PEC in this litigation. In addition, my firm, Anapol Weiss, is fully committed to providing the necessary economic resources needed for such a role to advance the litigation.

6. If appointed, I pledge to work cooperatively with the MDL leadership team in an inclusive and collaborative manner and promote collegial and respectful engagement with opposing counsel. I strive to be inclusive, fair and transparent, whether working with co-counsel or opposing counsel.

7. In addition, I currently represent several individuals who have developed significant and permanent hearing loss from the use of Tepezza.

8. I respectfully seek this Court's appointment to the Plaintiffs' Executive Committee in this MDL. If selected, I will dedicate my time and resources, as well as those of my firm, to working cooperatively with all counsel and the Court to advance the fair and just resolution of the cases consolidated in this MDL.

9. A copy of an abbreviated *curriculum vitae* is attached.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on June 9, 2023.

/s/Tracy A. Finken

Tracy A. Finken

Tracy A. Finken, Esquire
Anapol Weiss
130 N. 18th Street, Suite 1600
Philadelphia, PA 19103

Position: Shareholder Anapol Weiss, Philadelphia PA; 1999-present

Admitted: Pennsylvania, 1998; New Jersey, 1998; also admitted to the Eastern District of Pennsylvania; District Court of New Jersey; and Southern District of Illinois

Education: Bloomsburg University (B.A., 1993); Widener University School of Law (J.D., *cum laude* 1998). Honors: Moot Court and Trial Advocacy Honor Societies; Most Promising Civil Litigator Award; Outstanding Student Service Award.

Awards: Pennsylvania Super Lawyers 2002-2023; Best Lawyers in America 2016-2022

Memberships: Pennsylvania Bar Association; American Bar Association; American Association for Justice; Pennsylvania Association for Justice; Philadelphia Trial Lawyers' Association; National Order of Barristers

Practice Areas: Products Liability; Mass Torts; Class Actions; Consumer Fraud

Notable Mass Tort Litigation Experience:

- In Re: Diet Drug Litigation, MDL No. 1203
- In Re: Phen-Fen Litigation, Philadelphia CCP, May Term 1999, No. 00001
- In Re: Rezulin Litigation, MDL No. 1348
- In Re: Rezulin Litigation, Philadelphia CCP
- In Re: Propulsid Litigation, Philadelphia CCP, April Term 2001, No. 00001
- In Re: Vioxx Litigation, Superior Ct. of NJ, Case No. 619
- In Re: Avandia Litigation, MDL No. 1871
- In Re: Avandia Litigation, Philadelphia CCP, Feb Term 2008, No. 2733
- In Re: Zelnorm Litigation, Superior Ct. of NJ, Case No. 280
- In Re: Paxil Birth Defects Litigation, Philadelphia CCP, Feb Term 2007, No. 0762
- In Re: Fosamax Litigation, MDL No. 2243
- In Re: Fosamax Litigation. Superior Ct. of NJ, Case No. 282
- In Re Yaz Litigation, Philadelphia CCP, Sept Term 2009, Case No. 1307
- In Re Proton Pump Litigation, MDL No. 2789; Plaintiffs' Executive Committee
- 1 In Re Zantac Product Liability Litigation, MDL 2924; Co-Lead Counsel
- 1 In Re JUUL Labs, Inc., Marketing, Sales Practices & Products Liability Litigation, MDL 2913; Plaintiffs' Science Committee

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

***In re: Tepezza Marketing, Sales Practices,
and Products Liability Litigation***

This document relates to: All Actions

MDL No. 3079

Judge Thomas M. Durkin

**Declaration of Yvonne M. Flaherty
for Appointment to Plaintiffs' Executive Committee**

I respectfully submit this declaration in support of my proposed appointment to the Plaintiffs' Executive Committee. This declaration is submitted with the consent and agreement of other interested counsel comprising the proposed co-leads, Plaintiffs' Liaison Counsel, and Plaintiffs' Executive Committee.

1. I am a Partner of Lockridge Grindal Nauen P.L.L.P ("LGN") and lead the firm's mass tort and personal injury practice. For over 40 years, LGN has successfully represented individuals and class members in complex litigation.

2. I graduated from William Mitchel College of Law in 1996. I am admitted to practice in the State of Minnesota as well as the United States District Court for the District of Minnesota, and the Eighth and Eleventh Circuit Courts of Appeal.

3. **Court-appointed Leadership Positions**

I have personally served in a number of Court-appointed MDL leadership positions as well as serving as Lead Counsel in two state court consolidated actions and a consolidated (but not MDL) action in the Central District of California. The following list summarizes my Court-appointed MDL leadership positions:

In Re Roundup Products Liability Litig., MDL No. 2741; Plaintiffs' Executive Committee

In Re Viagra (Sildenafil Citrate) and Cialis (Tadalafil) Products Liability Litig., MDL No. 2691; Plaintiffs' Steering Committee

In re: Fluoroquinolone Products Liability Litig., MDL No. 2642, Plaintiffs' Executive Committee and Liaison Counsel

In Re Testosterone Replacement Therapy Products Liability Litig., MDL No. 2545; Plaintiffs' Steering Committee

In Re Mirena IUD Products Liability Litig., MDL 2434; Plaintiffs' Steering Committee

In Re Ethicon, Inc., Pelvic Repair System Products Liability Litig., MDL 2327, Plaintiffs' Steering Committee and Fee Committee

In Re Boston Scientific Corp. Pelvic Repair System Products Liability Litig., MDL 2326; Plaintiffs' Steering Committee and Fee Committee

In Re American Medical Systems, Inc., Pelvic Repair System Products Liability Litig., MDL No. 2325; Plaintiffs' Steering Committee and Fee Committee

In Re C. R. Bard, Inc., Pelvic Repair System Products Liability Litig., MDL No. 2187; Plaintiffs' Steering Committee and Fee Committee

In Re Nuvaring Products Liability Litig., MDL No. 1964; Plaintiffs' Steering Committee

In Re Levaquin Products Liability Litig., MDL No. 1943; Plaintiffs' Steering Committee

4. **Complex Litigation Experience**

For over 25 years, I have focused my practice on representation of plaintiffs in complex litigation, both in individual and class actions. This work has afforded me an opportunity to gain vast experience in all aspects of case management, litigation, and case resolution. I have been active, in both formal leadership and otherwise, in a number of federal and state mass tort litigations. The vast majority of these cases have focused on defective medical devices and pharmaceutical products. I have worked extensively on implementation of consolidated complaints and associated case management tools, navigated preemption issues, drafted and participated in third-party discovery, deposed corporate witnesses, and negotiated bellwether trial protocols. In recent years, my work often focuses on general liability discovery and depositions, dispositive motion practice, trial preparation and case resolution.

Additionally, I have served on trial teams in two national class actions, both of which we tried to verdict. In *Peterson v. BASF Corp.*, Civil No. C2-97-295 (Norman County District Court, Minnesota), LGN secured a jury verdict for a nation-wide class seeking redress for defendants' marketing of its herbicide products. In preparation of trial, I deposed and defended a number of expert witnesses regarding regulatory and economic issues. I also prepared class representatives for direct and cross-examination. Additionally, I was a member of the trial team representing a certified sub-class as part of a nationwide antitrust trial in *In re Laminates* that was tried to verdict in the United States District Court for the Southern District of New York. Both of these class trials were tried for several weeks prior to verdicts.

5. **Willingness and Ability to Commit to a Time-Consuming Project**

My firm and I are prepared for the financial and time commitments needed to navigate this litigation successfully. My LGN team includes multiple lawyers, staff and systems to facilitate the orderly and efficient management of this litigation. Additionally, I am personally available to dedicate time and resources to this matter. Indeed, many of the litigations in which Courts have appointed me to serve are winding down and/or in their final stages of settlement. I do continue to assist the pro se claimants in *In Re Fluoroquinolone Product Liability Litig.*, MDL No. 2642. However, less than one dozen claims remain in MDL No. 2642 and the time commitment is modest. In sum, I am committed to the successful management and, ultimately, resolution of this litigation.

6. **Ability to Work Cooperatively With Others**

I take pride in my ability to work cooperatively and communicate with a wide range of lawyers, including lawyers on the other side of the aisle. Indeed, both the Court and opposing counsel have commented on my professionalism and the level of civility that I bring to litigation, which my prior court appointments reflect. Outside the courtroom, I have also worked cooperatively with lawyers from diverse backgrounds. As a former chair of the American Association for Justice (AAJ, formerly ATLA) Women's Trial Lawyer Caucus, the Section on Toxic, Environmental and Pharmaceutical Litigation, and the National College of Advocacy, I have worked with teams from across the country to establish scholarship programs, navigate organizational politics, and plan and implement educational programs. These roles (both in and outside the courtroom) have enabled me to develop skills and relationships to navigate challenges and bridge communications on difficult topics.

7. I am currently counsel of record in *Andrea Leeds v. Horizon*, Case No. 22-cv-06837. Additionally, LGN has a number of cases under investigation and anticipates filing additional matters in the near future.

8. I respectfully seek this Court's appointment to the Plaintiffs' Executive Committee. If selected, I will dedicate my time and resources, as well as those of my firm, to working cooperatively with all counsel and the Court to advance the fair and just resolution of the cases consolidated in this MDL.

9. A copy of my current *curriculum vitae* is attached.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on June 12, 2023.

/s/ Yvonne M. Flaherty



LOCKRIDGE
GRINDAL
NAUEN
P. L. L. P.
Attorneys at Law

Yvonne M. Flaherty

Ms. Flaherty is a 1992 graduate from St. Olaf College and graduated from William Mitchell College of Law in 1996. She chairs Lockridge Grindal Nauen’s pharmaceutical and medical device practice and has devoted the majority of her career to representing plaintiffs in complex litigations. Law & Politics magazine has continually designated Ms. Flaherty as a “Super Lawyer” in the fields of Class Action/Mass Torts each year since 2011. Ms. Flaherty was named one of the Top 50 Women Minnesota Super Lawyers in 2013-2018, one of the Top 100 Minnesota Super Lawyers in 2016 and 2017, and was named an Attorney of the Year in 2015.

Ms. Flaherty’s experience includes serving as Plaintiffs’ Co-Lead Counsel in the consolidated Minnesota State Court Litigation, *In Re American Medical Systems, Inc., Litig.*, Case No. 27-CV-11-3933 (Hennepin County District Court, Minnesota). In her role as Co-Lead Counsel, Ms. Flaherty managed the coordination, discovery, trial selection and resolution of thousands of individual cases pending before the Honorable Ronald L. Abrams. The Honorable James V. Selna, in the Central District of California, also appointed Ms. Flaherty to serve as Plaintiffs’ Co-Lead Counsel in the consolidated Riata heart device litigation, captioned *In Re St. Jude Devices Litigation*, Case No. SACV 13-00383. Numerous courts throughout the United States have also appointed Ms. Flaherty to Plaintiffs’ Steering Committees in complex MDL litigations, including the following:

- *In Re Roundup Products Liability Litig.*, MDL No. 2741 (N.D. Cal.)
- *In Re Viagra (Sildenafil Citrate) Products Liability Litig.*, MDL No. 2691 (N.D. Cal.)
- *In Re Ethicon, Inc., Power Morcellator Products Liability Litig.*, MDL No. 2652 (D. Kan.)
- *In Re Fluoroquinolone Products Liability Litig.*, MDL No. 2642 (D. Minn).

- *In re Testosterone Replacement Therapy Products Liability Litig.*, MDL No. 2545 (N.D. Ill.)
- *In Re Mirena Products Liability Litig.*, MDL No. 2434 (S.D.N.Y.)
- *In Re Coloplast Corp. Pelvic Support Systems Products Liability Litig.*, MDL No. 2387 (S. D. W.V.)
- *In Re Ethicon, Inc. Pelvic Repair Systems Products Liability Litig.*, MDL No. 2327 (S.D. W.V.)
- *In Re Boston Scientific Corp. Pelvic Repair Systems Products Liability Litig.*, MDL No. 2326 (S.D. W. V.)
- *In Re American Medical Systems, Inc. Pelvic Repair Systems Products Liability Litig.*, MDL No. 2325 (S. D. W. V.)
- *In Re C.R. Bard, Inc., Pelvic Repair Systems Products Liability Litig.*, MDL No. 2187 (S. D. W. V.)
- *In re NuvaRing Products Liability Litig.*, MDL No. 1964 (E.D. Mo.)
- *In re Levaquin Products Liability Litig.*, MDL No. 1943 (D. Minn.)

Ms. Flaherty has also worked on numerous MDL Committees, including discovery, deposition, briefing, settlement, claims, and/or fee committees in the following litigations:

- *In Re Medtronic, Inc. Sprint Fidelis Leads Products Liability Litig.*, MDL 1905 (D. Minn.)
- *In re: Medtronic, Inc., Implantable Defibrillators Products Liability Litig.*, MDL 1726 (D. Minn.)
- *In re Guidant Corp. Implantable Defibrillators Products Liability Litig.*, MDL 1708 (D. Minn.)
- *In re Meridia Products Liability Litig.*, MDL 1481 (N.D. Ohio)
- *In re Baycol Products Liability Litig.*, MDL No. 1431 (D. Minn.)

Ms. Flaherty served on trial teams in two national class actions, both of which were tried to verdict. In *Peterson v. BASF Corp.*, Civil No. C2-97-295 (Norman County District Court, Minnesota), Lockridge Grindal Nauen P.L.L.P. secured a jury verdict for a nation-wide class seeking redress for defendants' marketing of its herbicide products. After multiple state appellate opinions and two trips to the U.S. Supreme Court, a substantial judgment was affirmed and paid to farmers throughout the United States. Additionally, Ms. Flaherty was a member of the trial team representing a certified sub-class as part of a nationwide antitrust trial in *In re*

Laminates that was tried to verdict in the United States District Court for the Southern District of New York.

Ms. Flaherty is active in the state and federal trial lawyer associations. She is the past Chair of the National College of Advocacy (NCA) Board for the American Association for Justice (AAJ), Co-Chair of the AAJ Electronic Discovery Committee, past Chair of the AAJ Section on Toxic, Environmental, and Pharmaceutical Torts (STEP), and past Chair of the AAJ Women's Trial Lawyer Caucus. Ms. Flaherty also serves on the Minnesota Association for Justice Board of Governors and Executive Committee. She is a Minnesota Representative to AAJ's Board of Governors.

Ms. Flaherty is duly licensed in the State of Minnesota, admitted to the District of Minnesota and Eighth Circuit Court of Appeals.

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

***In re: Tepezza Marketing, Sales
Practices, and Products Liability
Litigation***

**This document relates to: All
Actions**

MDL No. 3079

Case No. 1:23-cv-03568

Judge Thomas M. Durkin

**Declaration of Ephraim Samuel Geisler
for Appointment to Plaintiffs' Executive Committee**

I respectfully submit this declaration in support of my proposed appointment to Plaintiffs' Executive Committee. This declaration is submitted with the consent and agreement of other interested counsel comprising the proposed co-leads, Plaintiffs' Liaison Counsel, and Plaintiffs' Executive Committee.

1. I am a partner at Aylstock, Witkin, Kreis & Overholtz, PLLC ("AWKO") based in Pensacola, Florida. AWKO is a national law firm with over two decades of experience in products liability law, mass torts, class actions, and personal injury matters. In addition to 22 attorneys, AWKO employs 260 staff, including on-site IT specialists and a database administrator and software developer. Details on the work, experience and accomplishments of the firm can be found at www.awkolaw.com.

2. I am licensed to practice law in both Florida (2010) and Illinois (2011) state courts. I hold the following degrees: B.A., Florida State University (2002); M.A., University of Louisiana at Lafayette (2006); and J.D., Saint Louis University (2010). My involvement in various forms of class action litigation and multidistrict litigation spans the entirety of my career as a lawyer—more than 13 years. I have been a member of the Northern District of Illinois General Bar since 2013. I am also a member of the following U.S. District Courts: Central District of Illinois, Southern District of Illinois, Northern District of Florida, Middle District of Florida, Southern District of Florida, and the Eastern District of Wisconsin. Finally, I am admitted to practice before the United States Circuit Court of Appeals for the Eleventh Circuit.

3. I have dedicated a significant portion of my career to leading endeavors on behalf of plaintiffs in a variety of complex litigation. In 2022, Senior District Judge Matthew Kennelly appointed me as Co-Lead Plaintiffs' Counsel in the *In Re: Recalled Abbott Infant Formula Products Liability Litigation*, MDL 3037 now pending before this District Court. Prior to that appointment, Senior District Judge John R. Padova of the Eastern District of Pennsylvania appointed me to the Plaintiff Steering Committee involving thousands of plaintiffs who used the Essure medical device. In

addition to helping delegate PSC assignments, I deposed the most corporate witnesses, worked to develop each expert, served as ESI Liaison Counsel, negotiated Case Management Orders, argued a variety of motions, and participated in the successful mediation that resolved the litigation. More recently, I served as one of three attorneys leading the litigation over the destruction of Pensacola's three-mile bridge involving nearly 1,000 claimants that was presided over by Senior District Judge Lacey A. Collier of the Northern District of Florida. I delegated assignments across several firms while contributing substantively to all aspects of that litigation, arguing ESI and discovery matters before Magistrate Judge Hope T. Cannon. I also served as co-lead trial counsel during the October 2021 trial.

4. In addition to what I describe above, I gained substantial experience throughout the pendency of several large MDLs, including Xarelto and Actos litigations (MDL 2592 and MDL 2299, respectively). I served as Co-Chair of the Xarelto MDL Regulatory Committee and served in active roles across all bellwether trials for each litigation. At the invitation of law conference organizers, I have spoken on topics relevant to complex litigation, such as ESI, discovery, and scientific matters. I have also been published on complex litigation, co-writing a law review article titled, "We, the Class: What the Founding Generation Can Tell Us About Adequate Representation in Class Action Litigation," 48 SUFFOLK U. L. REV. 769 (2015).

5. Federal judges overseeing numerous multidistrict litigations have appointed AWKO attorneys to leadership positions across numerous nationwide litigations, including the following:

- *In Re: 3M Combat Arms Earplug Prod. Liab. Litig.*, MDL 2885 (N.D. Fla.) (Lead Counsel);
- *In Re: Ethicon, Inc., Pelvic Repair System Prod. Liab. Litig.*, MDL 2327 (Coordin. Co-Lead Counsel and Plaintiff Executive Committee) (overseeing MDLs 2187, 2325, 2326, 2327, 2387, 2440, 2511) and (Co-Lead, overseeing *In Re: Ethicon, Inc.*);
- *In Re: Mentor Corp. Obtape Transobturator Sling Prod. Liab. Litig.*, MDL 2004 (Co-Lead);
- *McLaughlin v. Bayer Essure, Inc., et al.*, 14-7315 (E.D. Pa.) (Co-Lead Counsel and Plaintiff Steering Committee);
- *In Re: Abilify Prod. Liab. Litig.*, MDL 2734 (N.D. Fla.) (Liaison Counsel, PEC and Co-Chair of the Common Benefit Committee);

- *In Re: Zoloft (Sertraline Hydrochloride) Prod. Liab. Litig.*, MDL 2342 (Coordin. Counsel);
- *In Re: Effexor (Venlafaxine Hydrochloride) Prod. Liab. Litig.*, MDL 2458 (Co-Lead and Multi-District Coordin. Counsel);
- *In Re: Avandia Marketing, Sales Practices and Prod. Liab. Litig.*, MDL 1871 (Co-Lead; Advisory Committee, and Common Benefit Fee Committee);
- *In Re: Elmiron (Pentosan Polysulfate Sodium) Prod. Liab. Litig.*, MDL 2973 (District of N.J.) (PEC);
- *In Re: Proton-Pump Inhibitor Prod. Liab. Litig.*, MDL 2789 (Co-Chair, PEC);
- *In Re: Fluoroquinolone Prod. Liab. Litig.*, MDL 2642 (PEC);
- *In Re: Biomet M2a Magnum Hip Implant Prod. Liab. Litig.*, MDL 2391 (PEC);
- *In Re: Incretin Mimetics Prod. Liab. Litig.*, MDL 2452 (PEC);
- *In Re: Pradaxa (Dabigatran Etexilate) Prod. Liab. Litig.*, MDL 2385 (PEC);
- *In Re: Actos (Pioglitazone) Prod. Liab. Litig.*, MDL 2299 (PSC and Pl. Settlement Rev. Comm'ee); and
- *In Re: Xarelto (Rivaroxaban) Prod. Liab. Litig.*, MDL 2592 (PSC).

6. I have been fortunate to have gained a wide breadth of experience litigating complex, product liability litigation. In addition to what is described above, I have led efforts to develop experts in regulatory as well as case-specific and general causation. Each expert was involved in unique areas of regulation, science, and/or medicine. I have also led efforts in discovery, including the negotiation of discovery protocols, arguing motions to compel, overseeing document review, drafting discovery requests, and taking depositions of corporate custodians across various areas of responsibility. My experience with briefing matters of law extends to pretrial, trial, and appellate issues. In addition to trying jury and bench trials to verdict myself, I have served as a member of numerous mass tort bellwether trials across my career.

7. I am willing and able to contribute substantively to this litigation throughout its progression. While I am serving as Plaintiffs' Co-Lead Counsel in MDL 3037 before Judge Kennelly, these two litigations have and will comprise the largest share of my practice, enabling me to devote the requisite time and attention to this matter.

8. I am grateful to have worked alongside most Plaintiff leadership applicants (or others within their respective law firms) in different litigations across my career. Regardless of the litigation, these interactions have been wholly congenial and

productive. Among the most representative of these positive collaborations is serving as Co-Lead Counsel with Stacy Hauer in MDL 3037 before Judge Kennelly.

9. While I have litigated in a variety of different types of litigation, as shown above, the bulk of my experience involves pharmaceutical product liability matters, not unlike this litigation.

10. I respectfully seek this Court's appointment to the Plaintiffs' Executive Committee in this MDL. If selected, I will dedicate my time and resources, as well as those of my firm, to working cooperatively with all counsel and the Court to advance the fair and just resolution of the cases consolidated in this MDL.

11. A copy of my current *curriculum vitae* is attached.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on June 11, 2023.

/s/ E. Samuel Geisler

E. Samuel "Sam" Geisler #6305996
AYLSTOCK, WITKIN, KREIS & OVERHOLTZ,
PLLC
17 E. Main Street
Suite 200
Pensacola, Florida 32561
Ph: 850-202-1010
sgeisler@awkolaw.com

EPHRAIM SAMUEL GEISLER

CONTACT

850-202-2218
sgeisler@awkolaw.com
www.awkolaw.com

STATE BAR ADMISSIONS

Florida (2010)
Illinois (2011)

TRIAL CT. ADMISSIONS

N.D. Ill., C.D. Ill., S.D. Ill.,
N.D. Fla., M.D. Fla., S.D.
Fla., and E.D. Wisc.

EDUCATION

Florida State University

1999-2002
B.A., English

Univ. of Louisiana at Lafayette

M.S., English
2004-2006

Saint Louis University

School of Law

J.D.
2007-2010

PROFILE

Aylstock, Witkin, Kreis & Overholtz, PLLC, is a national law firm with over two decades of experience in products liability law, mass torts, class actions, and personal injury matters. I have spent a significant portion of my career leading endeavors on behalf of plaintiffs in a variety of complex litigation.

LEGAL EXPERIENCE

Partner, Aylstock, Witkin, Kreis & Overholtz, PLLC
Pensacola, Florida

Aug. 2010-present

Law Clerk, The Simon Law Firm., P.C.
St. Louis, Missouri
May 2009-May 2010

LEADERSHIP APPOINTMENTS

Co-Lead, *In Re: Recalled Abbott Infant Formula Products Liability Litigation*, MDL 3037 (N.D. Ill.) (Kennelly, J.)

Plaintiff Steering Com'ee, *McLaughlin v. Bayer Essure, Inc.*, et al., 14-7315 (E.D. Pa.) (Padova, J.)

Co-Chair, Regulatory Com'ee, *In Re: Xarelto (Rivaroxaban) Prod. Liab. Litig.*, MDL 2592 (E.D. La.) (Fallon, J.)

PUBLICATIONS OF NOTE

E.S. Geisler and R.J. Richards, "We, the Class: What the Founding Generation Can Tell Us About Adequate Representation in Class Action Litigation," 48 SUFFOLK U.L. REV. 769 (2015).

"A Bridge to Somewhere: How a Bolder Causal Analysis Can Shape Civil RICO into the Ideal Free Market Safeguard, 54 St. Louis U. L.J. (2010).

J.G. Simon and E.S. Geisler, "Strictly Liable: What Both Sides Should Know about Missouri Product Liability," ST. LOUIS BAR JOURNAL (2010)